

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
OAKLAND, CA 94607
TEL: (510) 891-9800

1 Scott Edward Cole, Esq. (S.B. #160744)
Laura Grace Van Note, Esq. (S.B. #310160)

2 **COLE & VAN NOTE**
555 12th Street, Suite 2100
3 Oakland, California 94607
Telephone: (510) 891-9800
4 Facsimile: (510) 891-7030
Email: sec@colevannote.com
5 Email: lvn@colevannote.com

6 Gary M. Klinger, Esq. (*pro hac vice*)
MILBERG COLEMAN BRYSON
7 **PHILLIPS GROSSMAN, PLLC**
227 W. Monroe Street, Suite 2100
8 Chicago, Illinois 60606
Telephone: (866) 252-0878
9 Email: gklinger@milberg.com

10 *Interim Co-Lead Class Counsel*

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13
14 JOHN PRUTSMAN, AMIRA MARTZ,
SIMCHA RINGEL, NAIOMI MARDEN,
15 ALANA BALAGOT, CORRINE WARREN,
SUNNY LAI, and DAVID KLEIN,
16 individually, and on behalf of all others
similarly situated,

17
18 Plaintiffs.

19 v.

20 NONSTOP ADMINISTRATION AND
INSURANCE SERVICES, INC.,
21

22 Defendant.

23 This Document Related To: All Actions.
24
25
26
27
28

Case No. 3:23-cv-01131-RFL

CLASS ACTION

**JOINT DECLARATION OF CLASS
COUNSEL IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND COSTS,
AND SERVICE AWARDS**

Date: March 18, 2025

Time: 1:30 P.M.

Ctrm.: 15 – 18th Floor

Judge: Hon. Rita F. Lin

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We, Scott Edward Cole, Esq. and Gary M. Klinger, Esq., declare as follows:

1. I, Scott Edward Cole, Esq., am an attorney duly licensed to practice before all courts of the State of California as well as various federal courts across the country. I am the Founder and Shareholder of the law firm Cole & Van Note (“CVN”).

2. I, Gary M. Klinger, Esq., am an attorney duly licensed to practice before all courts of the State of Illinois as well as various federal courts across the country. I am a partner of the law firm Milberg Coleman Bryson Phillips Grossman, PLLC (“Milberg”).

3. We were appointed by the Court as Interim Co-Lead Counsel for the Proposed Class in these consolidated proceedings against Defendant Nonstop Administration and Insurance Services, Inc. (“Nonstop” or “Defendant”). We have personal knowledge of the matters stated herein and, if called upon, we could and would competently testify regarding those matters. We submit this Joint Declaration in support of Plaintiffs’ Motion for Attorneys’ Fees and Costs, and Service Award (“Motion”).

4. As discussed below, we believe the proposed settlement provides a substantial recovery in a case presenting novel and complex issues and substantial risks, and is a fair, reasonable, and adequate result for the Class.

5. The Class Action Settlement Agreement and Release entered into between the Parties to this litigation was filed on September 13, 2024. (Dkt. 101).

6. Attached as **Exhibit 1** is a true and correct copy of CVN’s firm resume.

7. Attached as **Exhibit 2** is a true and correct copy of Milberg’s firm resume.

8. Attached as **Exhibit 3** are true and correct copies of the Declarations of the Representative Plaintiffs submitted in support of this Motion.

9. Attached as **Exhibit 4** are the true and correct copies of the lodestar reports from CVN, Milberg, the Arnold Law Firm and Strauss Borelli PLLC reflecting the hours spent, hourly rate and total fee amount accrued throughout this litigation.

10. Attached as **Exhibit 5** are the true and correct copies of the cost journal reports from CVN, Milberg, the Arnold Law Firm and Strauss Borelli’s costs and expenses throughout this litigation.

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11. CVN and Milberg, as the leaders of and along with other counsel, vigorously and zealously represented the interests of the proposed Settlement Class from the inception of this hard-fought litigation until the present. Class Counsel worked on a fully contingent basis and assumed the risk of challenging Nonstop, an employee health insurance and benefits broker. In this litigation, Nonstop was represented by a very well-respected, well-funded, and large national law firm who vigorously defended against Plaintiffs' claims throughout the course of this litigation.

12. This proposed Settlement is the result of significant litigation efforts by CVN, Milberg and other counsel, extensive settlement negotiations, and a full-day mediation on June 6, 2024 with respected neutral Bennett G. Picker, Esq. This work included consolidating all filed cases before the Court and seeking the appointment of Interim Class Counsel; researching and drafting the opposition to Defendant's Motion to Dismiss the Consolidated and Amended Complaint and arguing on that motion to dismiss before the Court; conducting significant written offensive and defensive discovery; and negotiating an extremely favorable Settlement for the Class. The Settlement secures a significant recovery for the putative Class Members.

13. Pursuant to the Settlement, Defendant will pay \$1.6 million into a non-reversionary Settlement Fund that will be used to cover Administrative Expenses, to pay Service Awards to Representative Plaintiffs approved by the Court, to pay any Attorneys' Fees and Costs approved by the Court, and to provide each Participating Class Member who submits a valid claim with (1) reimbursement for out-of-pocket expenses up to \$5000, (2) a *pro rata* cash payment in an amount estimated to be approximately \$50, increased or decreased based on the funds remaining in the Settlement Fund following the payment of Attorneys' Fees Costs, any Service Award, the Costs of Settlement Administration, CAFA Notice, claims for Out-of-Pocket Losses, and California Statutory Claim Payments, and (3) California statutory claim payments of \$100. In addition, the Settlement Agreement requires Nonstop to undertake business practice changes to further secure its systems and environments.

14. Through the Motion for Award of Attorneys' Fees and Costs, and Service Awards, we are respectfully requesting an award of \$533,333.33 in attorneys' fees and \$14,696.96 in costs,

as well as Service Awards of \$2,500 to each of the eight Representative Plaintiffs (\$20,000 in total) in accordance with the terms of the preliminarily approved Settlement between Representative Plaintiffs and Defendant Nonstop.

15. Over the nearly two years of heavily contested litigation, our firms and other counsel devoted more than 942.90 total hours and incurred a collective lodestar of \$525,302.70 to secure the relief for the Class.

16. The requested attorneys' fees and costs incurred amounts to 32.8% of the Settlement Value.

THE COMMENCEMENT OF THE LITIGATION

17. As detailed in Plaintiffs' Consolidated and Amended Complaint (Dkt. 38), Nonstop announced on or about February 22, 2023, a security incident during which unauthorized parties allegedly accessed Nonstop's systems on or about December 22, 2022 and obtained the personally identifiable information ("PII") and protected health information ("PHI") of Plaintiffs (collectively, "Private Information"). The exposed Private Information included names, dates of birth, genders, physical and email addresses, telephone numbers, Social Security numbers, medical treatment/diagnosis information and health insurance providers, claims and billing information (the "Data Breach").

18. Following that announcement, the following related class actions were filed in federal court:

- *Nicholson v. Nonstop Administration and Insurance Services*, Case No. 23STCV05512 (filed March 13, 2023, LA Sup. Ct. and removed to N.D.Cal. as Case No. 4:23-cv-3567 on July 18, 2023);
- *Prutsman v. Nonstop Administration and Insurance Services, Inc.*, Case No. 3:23-cv-1131 (filed March 14, 2023);
- *Lai v. Nonstop Administration and Insurance Services*, Case No. 4:23-cv-1323 (filed March 21, 2023); and

1 - *Warren v. Nonstop Administration and Insurance Services, Inc.*, Case No. 3:23-
2 cv-1502 (filed March 29, 2023).

3 19. In the months following these filings, our firms agreed to self-organize and come
4 together to prosecute these important cases. We personally contacted, met and conferred with, and
5 coordinated with other Class Counsel so that, ultimately, all plaintiffs agreed voluntarily to transfer
6 their actions to the Northern District of California and relate them to the *Prutsmann* case. We also
7 undertook significant efforts to meet and confer with all other Class Counsel to agree on a
8 leadership structure so that Plaintiffs' case could move forward promptly and efficiently. On May
9 4, 2023, the Honorable Rita F. Lin of the Northern District of California entered an order
10 consolidating the cases and appointing Scott E. Cole, Esq., of CVN and Gary M. Klinger, Esq., of
11 Milberg as Co-Lead Interim Class Counsel. Dkt. 25.

12 **REPRESENTATIVE PLAINTIFF VETTING**

13 20. Leading up to and immediately after the leadership appointment, we collaborated
14 among all Class Counsel to make sure that all plaintiffs preserved relevant documents, and to vet
15 all prospective plaintiffs for a consolidated complaint. In the weeks leading up to the Court-
16 imposed deadline to file the consolidated complaint, we worked cooperatively and efficiently with
17 other Class Counsel to review underlying complaints, documents, and questionnaires, and conduct
18 telephonic vetting interviews of the potential class representatives. The leading candidates were
19 then further screened and vetted, until we ultimately elected eight Representative Plaintiffs.

20 **THE PLEADINGS**

21 21. Representative Plaintiffs drafted and filed their Consolidated and Amended
22 Complaint ("CAC") on May 25, 2023. Dkt. 38. On June 15, 2023, Defendant moved to dismiss
23 the CAC. Dkt. 39.

24 22. After completing briefing and oral argument on Defendant's Motion to Dismiss,
25 the Court granted in part and denied part Defendant's Motion on August 16, 2023.

26 23. On September 27, 2023, Defendant filed its Answer to the CAC. Dkt. 60.
27
28

DISCOVERY

24. Discovery efforts in the Litigation were significant in both directions and numerous disputes were highly contested.

25. The parties exchanged initial disclosures in November 2023.

26. Representative Plaintiffs propounded extensive written discovery upon Defendants, including detailed requests for production of documents and special interrogatories. The parties extended significant efforts meeting and conferring on Protective Orders, ESI Orders, and search terms for production of documents for both offensive and defensive discovery. Ultimately, Nonstop produced numerous pages of documents.

27. Defendants also propounded extensive discovery on Representative Plaintiffs. Nonstop propounded requests for production of documents and special interrogatories on each Plaintiff, the former requiring productions in response to 136 total requests and the latter ultimately requiring 120 separate, unique, written responses from Representative Plaintiffs.

28. As a result of this extensive discovery and expert advice, Representative Plaintiffs had sufficient information to evaluate the claims and negotiate a fair settlement.

SETTLEMENT NEGOTIATIONS

29. The Parties engaged in extensive, arm's-length negotiations over the course of many months, including a full-day mediation with neutral Bennet G. Picker, Esq., a well-respected mediator. Mr. Picker, Esq., has extensive experience mediating class action litigation, including data privacy cases.

30. Ahead of the mediation session, the parties prepared comprehensive mediation briefs. Before any terms were negotiated, Representative Plaintiffs had a thorough understanding of the composition of the Settlement Class, the nature of Defendant's anticipated defenses on the merits, the likely nature of arguments that would be advanced at class certification, summary judgment, and trial, and the complex technical issues surrounding the claims and defenses.

31. The parties commenced mediation with Mr. Picker, Esq., on June 6, 2024, with both sides represented by experienced counsel who fought hard for their clients. Ultimately, the parties reached agreement to terms of a settlement agreement. On June 27, 2024, the parties filed

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1 a Notice of Classwide Settlement. Dkt. 92. The Court subsequently entered an Order setting the
2 deadline for Representative Plaintiffs to file their motion for preliminary approval of class action
3 settlement by August 12, 2024. Dkt. 93.

4 32. Class Counsel thereafter collaborated on the logistics and substance of the notice
5 plan. Representative Class Counsel spent numerous hours obtaining and negotiating bids from
6 well-established, experienced, and highly regarded class action notice and administration firms.
7 As a result, Representative Plaintiffs maximized the amount that would be available to the Class
8 for payment of claims. Class Counsel accomplished this by minimizing the notice and
9 administration costs while ensuring that the notice and administration plan complied with all
10 federal rules and guidelines and due process requirements.

11 33. After soliciting competing bids in an effort to achieve the best deal for the class for
12 administration of the Settlement, Interim Co-Lead Class Counsel negotiated an agreement with
13 Kroll, LLC. Interim Co-Lead Class Counsel worked closely with Kroll to hone the notice and
14 claim form notice to comply with applicable law. Since the Preliminary Approval Order, Class
15 Counsel has repeatedly audited the website to make sure it is correct and user-friendly, reviewed
16 reports from, and conferred with, Kroll about the progress of the notice and claims process, and
17 responded to myriad inquiries from Class Members that contacted their respective offices, as well
18 as other counsel's offices.

19 **SETTLEMENT TERMS**

20 34. The proposed Settlement Class is defined as the Nationwide Class of all individuals
21 within the United States of America whose PHI/PII was exposed to unauthorized third parties as a
22 result of the data breach discovered by Defendant on or about December 22, 2022. SA ¶ 3.

23 35. In exchange for the Settlement's benefits, all Settlement Class Members will
24 release any claims against Defendants based on one or more of the same factual predicates alleged
25 in the Action. SA ¶¶ 61-63.

26 36. The Settlement provides for a non-reversionary cash fund of \$1.6 million. SA ¶ 35.
27 All Class Members are eligible to receive payment from the fund (discussed below). SA ¶ 42. The
28 Settlement Fund will be used to pay: (i) Administrative Expenses; (ii) any Taxes; (iii) any Service

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Awards approved by the Court; (iv) any Fee Award and Costs to Class Counsel approved by the Court; (v) all Subclass Payments to members of the California Subclass; and (vi) any out-of-pocket costs payments and pro rate cash payments. SA ¶ 42.

37. All Class Members may submit a Claim Form to receive up to a \$5,000 cash payment for reimbursement of Out-of-Pocket Costs that are fairly traceable to the Data Breach. SA ¶ 42(a). In addition, all Class Member may claim a *pro rata* cash payment estimated to be approximately \$50, which shall be increased or decreased based on the funds remaining in the Settlement Fund following the payment of Attorneys' Fees and Costs, any Service Award, the Costs of Settlement Administration, CAFA Notice, claims for Out-of-Pocket Losses, and California Statutory Claim Payments. SA ¶ 42(b).

38. In addition, members of the California Subclass may submit a Claim Form to receive \$100 in light of their claims under the California Consumer Privacy Act. SA ¶ 42(c).

39. Participating Settlement Class Members will receive payments electronically or by check. SA ¶ 44.

40. Based on our experience and research, we believe we will achieve a claims rate greater than one percent (1%), which is consistent with the claims rates in similar data breach settlements, including *In re: Banner Health Data Breach Litigation*, No. 16-cv-02696-SRB, ECF No. 195 at 1 (D. Ariz. 2019), in which the claims rate to date is greater than or equal to approximately 1.3%; *In re: Anthem, Inc. Data Breach Litigation*, No. 15-md-02617-LHK, ECF No. 1007 at 4 (N.D. Cal. 2017), in which the claims rate was approximately 1.7%; and *In re: Experian Data Breach Litigation*, No. 15-cv-01592AG, ECF No. 309 at 17 (C.D. Cal. 2018), in which the claims rate was approximately 2.91%. We will update the Court prior to the final approval hearing on the status of the claims rate.

PRELIMINARY APPROVAL

41. Following the parties' negotiations and resolutions of the benefits available to the Class, including valuable business practice changes that Defendant implemented and will implement in response to this litigation, on September 13, 2023. The Parties previously filed under seal information concerning Defendant's remedial efforts and business practice changes. Dkt. 108.

42. On October 7, 2024, the Court entered an Order for supplemental filing and noticing questions for the hearing on the Motion for Preliminary Approval. Dkt. 103.

43. On October 11, 2024, Representative Plaintiffs submitted the Declaration of Scott M. Fenwick in Support of Plaintiff's Unopposed Motion for Preliminary Approval. Dkt. 107.

44. On October 15, 2024, Class Counsel appeared before the Court for the hearing on the Motion for Preliminary Approval. Dkt. 109.

45. On October 15, 2024, the Court granted the Motion for Preliminary Approval. Dkt. 110.

THE SETTLEMENT ADMINISTRATOR

46. The Court preliminarily appointed Kroll, LLC., to serve as the Settlement Administrator. Dkt. 110. Kroll is highly experienced in similar matters, well regarded, and is qualified to serve as Claims Administrator.

REPRESENTATIVE PLAINTIFFS

47. The Court preliminarily approved the eight named Plaintiffs to serve as Representative Plaintiffs: John Prutsman, Amira Martz, Simcha Ringel, Naiomi Marden, Alana Balagot, Corinne Warren, Sunny Lai, and David Klein. Dkt. 110.

48. Throughout the Action, and since preliminary approval, the Representative Plaintiffs diligently represented and pursued the interests of the Class. The Representative Plaintiffs provided extensive information regarding the harms they suffered as a result of the Data Breach, including providing all necessary paperwork and documents. The Representative Plaintiffs also remained in contact with Class Counsel throughout the litigation, promptly responding to our inquiries for further information and communicating with Class Counsel to keep up to date on the status of the Litigation. Each of the Representative Plaintiffs also communicated with Class Counsel regarding the terms of the Settlement and reviewed the Settlement Agreement.

49. Attached as **Exhibit 3** as a combined exhibit to this Declaration are declarations from each of the Representative Plaintiffs detailing their efforts throughout the course of this litigation, how their efforts benefited the Class, and affirming their support for the Settlement. That there were eight Representative Plaintiffs, from multiple states, allowed plaintiffs to bring a variety

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1 of claims. Similar and greater amounts for Representative Plaintiffs have been awarded in other
2 data breach cases.

3 **THE SETTLEMENT IS IN THE BEST INTEREST OF THE CLASS**

4 50. The undersigned Class Counsel believe the Settlement Agreement is fair,
5 reasonable, and adequate; the product of substantial investigation, litigation and arm's-length
6 negotiation; and, most importantly, is in the best interests of Representative Plaintiffs and putative
7 Class Members. Despite our strong belief in the merits of this litigation and likelihood of success
8 at trial, we nonetheless believe that the benefits to Representative Plaintiffs and the putative Class
9 pursuant to the agreed upon terms substantially outweigh the risks of continuing to litigate the
10 claims—namely, the delay that would result before Representative Plaintiffs and putative Class
11 Members receive any benefits should the action proceed to trial; the possibility of a negative
12 outcome at trial; and the possibility of a negative outcome post-trial should Defendants appeal a
13 judgment in favor of the putative Class. This Settlement provides significant benefits now and is
14 in the best interest of all putative Class Members.

15 51. When compared to other similar data breach cases, this Settlement is an excellent
16 result for Class Members. For instance, the following are all data-privacy cases that have been
17 approved by federal courts: *In re Google Plus Profile Litig.*, No. 5:18-cv-06164, 2021 WL 242887,
18 at *1 (N.D. Cal. Jan. 25, 2021) (settlement fund of \$7.5 million for 161 million Google+ users
19 whose personal information was exposed); *In re: Vizio, Inc., Consumer Privacy Litigation*, 8:16-
20 ml-02693 (C.D. Cal. July 31, 2017) (settlement fund of \$17 million for 16 million potential
21 claimants for unauthorized collection and disclosure of information from customers' VIZIO smart
22 TVs, including IP addresses and device identifiers); *Corona v. Sony Pictures Ent., Inc.*, No. 14-
23 cv-09600 (C.D. Cal. 2016) (featuring a \$4.5 million settlement fund (\$2 million non-reversionary;
24 \$2.5 million reversionary) in relation to 435,000 class members in data breach case); *In re LinkedIn*
25 *User Priv. Litig.*, 309 F.R.D. 573, 582 (N.D. Cal. 2015) (settlement fund of \$1.25 million for
26 claims related to approximately 6.4 million LinkedIn users' stolen account passwords who were
27 influenced by LinkedIn's statements concerning security and paid for premium subscriptions; *In*
28 *Re: Banner Health Data Breach Litigation*, Case No. 2:16-cv-02696 (D. Ariz. 2020) (\$6 million

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1 settlement fund for a class of 2.9 million members, with an additional \$2.9 million in attorney fees
2 paid separately); *In re Anthem, Inc. Data Breach Litigation*, No. 5:15-MD-02617 (N.D. Cal. 2017)
3 (\$110 million settlement fund, for 78.8 million *Anthem* insureds who had their social security
4 numbers and health data acquired by unauthorized parties); *In re The Home Depot, Inc. Customer*
5 *Data Security Breach Litig.*, No. 1:14-md-02583 (N.D. Ga. 2016) (\$13 million settlement fund, an
6 additional \$6.5 million (paid out of the settlement fund if funds remained after claims) for credit
7 monitoring services, and \$7.5 million in attorney fees for a class of over 40 million Home Depot
8 consumers who had their payment data acquired by unauthorized parties); and *In re Target Corp.*
9 *Customer Data Security Breach Litig.*, No. 0:14-md-02522 (D. Minn. 2015) (\$10 million
10 settlement fund and \$6.75 million in attorney fees for up to 110 million Target consumers who had
11 their payment data acquired by unauthorized parties.).

12 52. The Claims Deadline is February 12, 2025. Prior to the Final Approval Hearing,
13 Class Counsel and the Settlement Administrator will provide updated figures to inform the Court
14 of the current claims rate.

15 **THE REQUESTED ATTORNEYS' FEES AND COSTS ARE THE RESULT**
16 **OF ARMS-LENGTH NEGOTIATIONS**

17 53. The parties to this litigation engaged in substantial discovery before any mediation
18 or settlement was discussed.

19 54. The negotiations in this case were hard-fought, at all times at arms'-length, and not
20 the product of collusion.

21 55. The Settlement is non-reversionary; none of the \$1.6 million that Nonstop has
22 committed to the Settlement will revert back to Nonstop and will benefit the Settlement Class.

23 **THE ATTORNEYS' FEES ARE REASONABLE**

24 56. All counsel participating in the litigation were required to maintain
25 contemporaneous, detailed time records.

26 57. The result is a total number of hours of 942.9 and total lodestar for all firms of
27 \$525,302.70.
28

58. The attorneys' fees and costs that Class Counsel are submitting for the Court's consideration include time devoted to:

- a. Engaging in extensive efforts to develop strategic plans to litigate this matter;
- b. Vetting potential representative plaintiffs;
- c. Self-organizing and consolidating all cases before this Court;
- d. Extensively researching and filing the consolidated complaint;
- e. Opposing Defendant's motion to dismiss;
- f. Serving substantial written and third-party discovery;
- g. Negotiating and drafting ESI and Protective Orders with Defendants;
- h. Meeting and conferring regarding discovery disputes with defense counsel and negotiating agreements regarding discovery;
- i. Reviewing Nonstop's production of documents;
- j. Coordinating with Representative Plaintiffs, providing discovery responses, and collecting documents and preparing them for production;
- k. Undertaking substantial investigation of the Data Breach and the corporate structure of Defendants;
- l. Preparing an extensive mediation brief and attending a private mediation before neutral Mr. Bennet G. Picker, Esq.;
- m. Negotiating the details of the Settlement Agreement over multiple months and securing preliminary approval of the Settlement; and
- n. Responding to inquiries from Class Members after Class Notice was disseminated.

59. In addition to these tasks and the attendant resources already committed to them, Class Counsel will need to devote additional time and resources to this case, including:

- a. Preparing for and attending the Final Approval hearing, including the research and drafting of the reply papers and responses to objections;
- b. Continuing to respond to myriad inquiries from Class Members;

- c. Overseeing the Settlement through final approval of distribution of the common fund;
- d. Overseeing the claims administration process, including addressing any claim review issues and ensuring the offered benefits reach Class Members; and
- e. Litigating any appeals.

60. In light of their significant experience, expertise, and skill in this area of litigation, Class Counsel's hourly rates are reasonable, particularly here in the Northern District of California where Courts have approved rates similar to Class Counsel here. *See e.g., Silicon Genesis Corp. v. Ev Grp. E. Thallner GmbH*, No. 22-cv-04986-JSC, 2024 U.S. Dist. LEXIS 68331, at *4 (N.D. Cal. Apr. 15, 2024) (approving of rate of \$1,000 per hour for partner); *Adtrader, Inc. v. Google LLC*, No. 17-CV-07082-BLF, 2020 U.S. Dist. LEXIS 71654, 2020 WL 1921774, at *8 (N.D. Cal. Mar. 24, 2020) (approving of rate of \$1,000 per hour for partner); *Banas v. Volcano Corp.*, 47 F. Supp. 3d 957, 965 (N.D. Cal. 2014) (approving rates ranging from \$355 to \$1,095 per hour for partners and associates).

61. The quality of the work performed by Class Counsel in obtaining the Settlement should also be evaluated in light of the quality of opposing counsel. Defendant in this case were represented by experienced counsel from the nationally prominent litigation firm Cipriani & Werner PC. This firm vigorously and ably defended the action—including obtaining dismissal in part of Representative Plaintiffs' case. In facing this formidable defensive effort—including partial dismissal of the case—Class Counsel were nevertheless able to develop a case that was sufficiently strong to persuade settlement on terms that are favorable to the Settlement Class Members.

62. The amount of attorneys' fees and costs requested here compares favorably with that awarded in other data breach cases. In *Home Depot*, where relying primarily on the lodestar method, the court approved a fee award of \$7,536,497.80 after applying a 1.3 multiplier to counsel's base lodestar of \$5,797,306, where the settlement featured a \$13 million settlement fund, and was valued at \$27 million total.

63. In *In re Experian Data Breach Litigation*, No. SACV 15-01592 AG (DMFx), 2019 U.S. Dist. LEXIS 81243 (C.D. Cal. May 10, 2019), the court awarded \$10.5 million in attorneys'

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1 fees, finding the amount only made up 10.5% of the total value of the settlement and a 1.65
2 multiplier of the lodestar.

3 64. In *In re Anthem, Inc. Data Breach Litig.*, No. 15-MD-02617-LHK, 2018 WL
4 3960068 (N.D. Cal. Aug. 17, 2018), the court applied the percentage-of-fund approach to award
5 Class Counsel in that data breach case 27% of the settlement fund, for a total of \$31.05 million.

6 65. Similarly, in *In re Target Corp. Customer Data Security Breach Litig.*, No. 14-md-
7 02522, 2015 WL 7253765 (D. Min. Nov. 17, 2015), the court approved a fee award of \$6.75
8 million, which represented 29% of defendant's total payout, which included a \$10 million
9 settlement fund.

10 66. Were this Court to use the percentage approach, Class Counsel's request for
11 33.33% of the Settlement Fund for payment of attorneys' fees is within the range of awards for the
12 Ninth Circuit.

13 **THE REQUESTED COSTS AND EXPENSES ARE REASONABLE**

14 67. Class Counsel also seek reimbursement from the Settlement Fund of \$14,696.96
15 for out-of-pocket costs and expenses that were reasonably and necessarily incurred by Class
16 Counsel in connection with the action.

17 68. The costs and expenses that Class Counsel seek for reimbursement included:
18 assessment fees; courier expenses (*e.g.*, FedEx); postage charges; facsimile and long-distance
19 changes; photocopying; travel expenses; legal research charges; and court fees.

20 69. Class Counsel advanced these costs and expenses for the benefit of the classes they
21 sought to represent without any guarantee that these costs and expenses would be recovered.

22 **CLASS COUNSEL'S QUALIFICATIONS**

23 **Scott E. Cole, Esq. – Cole & Van Note**

24 70. As indicated by Cole & Van Note's firm resume attached hereto as **Exhibit 1**, CVN
25 has extensive experience in prosecuting complex class actions. Scott E. Cole, the founding partner,
26 was personally and actively involved in all aspects of the proceedings on this case. He is familiar
27 with this litigation and negotiated the proposed settlement. His experience and that of other
28

1 members of his firm benefited the efficient litigation of this matter and the settlement negotiations
2 in this case significantly.

3 71. CVN, the law firm he founded in 1992, is a specialized practice devoted almost
4 exclusively to prosecuting class action matters and has so engaged in that area of practice for the
5 near entirety of its existence. In its over 30-year history, he has prosecuted hundreds of class and/or
6 complex/representative cases. Most of these cases involved many of the same legal issues as are
7 presented in the current action.

8 72. While almost entirely devoted today to prosecuting cybersecurity class actions,
9 CVN's past experiences run deep across various areas of the law—from employment wage and
10 hour and discrimination cases, to consumer, personal injury and environmental class actions/mass
11 tort cases. CVN has successfully achieved class certification in varied factual scenarios, some of
12 the more unique or difficult situations being set forth in the firm's resume. Some better-known
13 and/or "game changing" cases include: *Kurihara v. Best Buy Co., Inc.*, 2007 U.S. Dist. LEXIS
14 64224 (N.D. Cal. Aug. 29, 2007) (obtaining certification for a class of over 52,000 current and
15 former store employees bringing bag check claims); *Tierno v. Rite Aid Corp.*, 2006 U.S. Dist.
16 LEXIS 71794 (N.D. Cal. Aug. 31, 2006) (oft-cited Order certifying a class of approximately 1,100
17 California retail store managers alleging overtime misclassification); *Torres v. ABC Security*, Case
18 No. RG04158744 (Alameda County Superior Court 2006) (obtaining certification of a class of
19 over 1,600 security guards working at scores of different work sites); *Fulton v. Sports and Fitness*
20 *Clubs of America, dba 24 Hour Fitness, USA, Inc.*, San Diego County Superior Court Case No.
21 GIC881669 (consolidated with Case No. GIC873193) (Order certifying class of over 7,000 fitness
22 club group exercise instructors); *Rowe v. California Commerce Club*, Los Angeles County
23 Superior Court Case No. BC321283 (consolidated with Case No. BC288079) (Order certifying
24 tip-pooling claims on behalf of a class of approximately 2,000 card room dealers); and *Rodriguez*
25 *v. Pleasanton Fitness*, Contra Costa County Superior Court Case No. MSC17-00376 (Order
26 certifying two classes of fitness club workers). This list is far from being exhaustive.

27 73. CVN's track record is equally impressive with regard to settlements and
28 adjudications. For example, Mr. Cole was co-counsel in the landmark California Supreme Court

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1 decision providing that non-exempt worker time spent under the control of the employer is
2 compensable. *Augustus vs. ABM Security Services*, Supreme Court of California Case No.
3 S224853 (\$110 million settlement on behalf of roughly 15,000 security guards). Additionally, he
4 co-prosecuted what was, at the time (and perhaps still), the largest class action settlement of a meal
5 break-only case. *Despres v. United Parcel Service, Inc.*, California Northern District Court Case
6 No. 3:03-CV-02987 (TEH) and No. 3:03-CV-02001 (TEH) (\$87 million settlement on behalf of
7 roughly 20,000-person class). Mr. Cole prosecuted, obtained a judgment and thereafter negotiated
8 a two-tiered \$19 million settlement on behalf of fitness club group exercise instructors for unpaid
9 wage and unreimbursed business expense claims. *Fulton v. Sports and Fitness Clubs of America,*
10 *dba 24 Hour Fitness, USA, Inc.*, San Diego County Superior Court Case No. GIC881669
11 (consolidated with Case No. GIC873193). He prosecuted and settled a \$15 million non-
12 reversionary settlement on behalf of a class of approximately 68,000 security guards for meal and
13 rest break violations. *Securitas Security Services Cases*, Santa Clara County Superior Court Case
14 No. 1-05-CV-047499. Additionally, he negotiated a \$7.5 million settlement on behalf of a class of
15 retail Assistant Managers for uncompensated time spent undergoing security checks and failure to
16 provide meal and rest breaks. *Kelly v. Walgreens*, San Francisco County Superior Court Case No.
17 CGC-07-464347. Mr. Cole also brokered a \$6.9 million settlement on behalf of a class of over
18 1,000 allegedly misclassified retail Store Managers. *Tierno v. Rite Aid Corp.*, California Northern
19 District Court Case No. 3:05-CV-02520 (TEH). He served as court-appointed lead counsel after
20 fierce competition for that appointment in a consolidated action of nine lawsuits against Walgreen
21 Co. bringing a variety of wage and hour claims on behalf of approximately 43,000 retail store
22 workers in California. After several years of litigation, he negotiated a \$23 million settlement in
23 that case. *In Re Walgreen Co. Wage and Hour Litigation*, United States District Court, Central
24 District of California Case No. 2:11-CV-07664 (PSG). CVN has many additional resolutions
25 within the settlement range exhibited above and scores of others of lesser notoriety.

26 74. Drawing upon that diverse background, CVN is nowadays devoted almost entirely
27 to the prosecution of data breach class actions, with the vast bulk of its caseload being cases
28 involving almost identical legal and factual issues to those presented in the instant case. In these

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1 matters, CVN serves in a variety of roles, oftentimes in various leadership positions. For example,
2 CVN has served as court-appointed lead or co-lead counsel in various data breach matters,
3 including, but not necessarily limited to: *Henderson, et al. v. Reventics, LLC*, Case No. 1:23-cv-
4 00586-MEH (D. Colo.) (court appointed co-lead counsel); *Hinds, et al. v. Community Medical*
5 *Centers, Inc.*, Case No. STK-CV-UNPI-2021-10404 (Super. Ct. Cal. San Joaquin Cnty.) (court
6 appointed co-lead counsel); *Tsvetanova, et al. v. UCSD Health*, Case No. 37-2021-00039888-CU-
7 PO-CTL (Super. Ct. Cal. San Diego Cnty.) (court appointed co-lead counsel); *In Re: Rackspace*
8 *Data Security Litigation*, No.: SA-22-cv-01296-XR (W.D. Tex.) (court appointed lead counsel);
9 *Fedorys, et al. v. Ethos Group Inc.*, Case No. 3:22-cv-2573-M (N.D. Tex.) (court appointed co-
10 lead counsel); *Moreland, et al. v. 1st Franklin Financial Corporation*, Case No. 2:23-cv-00038-
11 SCJ (N.D. Ga.) (court appointed co-lead counsel); *Domitrovich, et al. v. MC Dean, Inc.*, Case No.
12 1:23-cv-00210-CMH-JFA (E.D. Va) (court appointed co-lead counsel); *Deevers, et al. v. Wing*
13 *Financial Services, LLC.*, Case No. 4:22-cv-00550-CVE-MTS (N.D. Okla.) (court appointed co-
14 lead counsel); *Darrin v. Huntington Ingalls Industries, Inc.*, Case No. 4:23-cv-00053-JKW-DEM
15 (E.D. Va.) (court appointed co-lead counsel); *Guerrero v. Merritt Healthcare Holdings, LLC*, Case
16 No. 3:23-cv-00389-MPS (D. Conn.) (court appointed co-lead counsel); *In re DISH Network Data*
17 *Security Incident Litigation*, Case No. 1:23-cv-01168-RMR-SBP (D. Colo.) (court appointed co-
18 lead counsel); and *Byers v. Orthoalaska, LLC*, Case No. 3:23-cv-00243-SLG (D. Alaska) (court
19 appointed co-lead counsel). CVN also serves in more informal (e.g., stipulated) leadership
20 positions in numerous other data breach cases and in sole counsel roles in dozens more—actions
21 currently venued across roughly 30 states. What’s more, CVN has a near perfect track record of
22 being appointed lead or co-lead counsel in every data breach class action in which it sought such
23 appointment.

24 75. Mr. Cole is a well-respected leader in the field of class action litigation, has
25 achieved record results in both settlements and judgments in such cases, has authored numerous
26 scholarly publications, including his book “Fallout” (chronicling the 1994 toxic substance release
27 by Unocal and the ensuing class action legal battle), and has been called upon to serve as a regular
28 speaker at public seminars on issues surrounding employment law and class action procedures. He

1 has prosecuted class actions across numerous fields, including employment, consumer,
2 environmental, and data breach cases.

3 **Gary M. Klinger, Esq. – Milberg Coleman Bryson Phillips Grossman, PLLC**

4 76. Gary M. Klinger is as Senior Partner at the international plaintiffs’ class action law
5 firm Milberg. Since Milberg’s founding in 1965, it has repeatedly taken the lead in landmark cases
6 that have set groundbreaking legal precedents, prompted changes in corporate governance, and
7 recovered over \$50 billion in verdicts and settlements.¹ Milberg has been instrumental in obtaining
8 precedent setting decisions at every level, including at the U.S. Supreme Court.² The firm
9 pioneered federal class action litigation and is widely recognized as a leader in defending the rights
10 of victims of corporate and other large-scale wrongdoing. Milberg has more than 100 attorneys
11 and has offices across the U.S. and the European Union.

12 77. As a Senior Partner at Milberg, Mr. Klinger has extensive experience serving as
13 lead or co-lead counsel in numerous privacy class actions. His privacy practice includes: data
14 breaches, ransomware attacks, unlawful collection and/or disclosure of personal information, and
15 violations of privacy statutes and/or laws, such as the Illinois Biometric Information Privacy Act
16 (“BIPA”), Illinois Genetic Information Privacy Act, California Consumer Privacy Act, California
17 Medical Information Act, Telephone Consumer Protection Act, and General Data Protection
18 Regulation.

19 78. Mr. Klinger was recognized publicly as a “trailblazer” in the privacy space. He led
20 the way in bringing privacy class actions arising from the use of tracking technologies such as the
21 “Meta Pixel.” Mr. Klinger filed the first-ever privacy case in the healthcare setting for unlawful
22 disclosure of private health information (*Quinto v. The Regents of the University of California*,
23 Case No. 22-cv-012970). In the wake of the *Quinto* lawsuit, the Department of Health and Human
24 Services (HHS) issued a bulletin on the requirements under HIPAA for online tracking
25 technologies providing that “[r]egulated entities are not permitted to use tracking technologies in

26 ¹ See, e.g., *In re Tyco Int’l Ltd., Securities Litig.*, MDL 1335 (D. N.H.) (serving as lead counsel and obtaining
27 approval of \$3.2 billion settlement); *In re Prudential Ins. Co. Sales Practice Litig.*, No. 95-4704 (D. N.J.) (serving as
28 lead counsel and recovering more than \$4 billion for policyholders); see also <https://milberg.com/outstanding-recoveries/>.

² See <https://milberg.com/precedent-setting-decisions/page/3/>.

1 a manner that would result in impermissible disclosures of ePHI to tracking technology vendors
2 or any other violations of the HIPAA Rules.” Since Mr. Klinger filed the *Quinto* lawsuit, dozens
3 of similar lawsuits have been filed against healthcare providers by plaintiffs’ class action firms
4 across the country, numerous investigative articles have been published, and Congress even
5 opened an inquiry into the issue.

6 79. Mr. Klinger has been appointed by state and federal courts to act as Class Counsel
7 for millions of consumers and recovered hundreds of millions of dollars for consumers throughout
8 the country. Presently, he is lead or co-lead counsel in more than thirty (30) active class action
9 lawsuits pending in state and federal courts across the country.

10 80. Mr. Klinger was recognized as one of the 2024 Lawdragon 500 Leading Litigators
11 in America. He also was recognized in 2024 by Chambers as one of the leading attorneys in the
12 United States for Privacy and Data Security Litigation. He is a Certified Information Privacy
13 Professional (CIPP/US) and a member of the International Association of Privacy Professionals.

14 81. Mr. Klinger has settled on a class-wide basis more than seventy-five class actions
15 involving privacy violations where he served as lead or co-lead counsel and recovered hundreds
16 of millions of dollars in the process.

- 17 a. For example, in *Parris, et al v. Meta Platforms, Inc.*, Case No. 2023LA000672 (Ill.
18 18th Jud. Cir. Ct., DuPage Cnty.), Mr. Klinger negotiated and won final approval
19 for a \$64.25 million settlement on behalf of Illinois Instagram users for biometric
20 privacy claims. This landmark settlement is the third largest biometric privacy
21 settlement in U.S. history.
- 22 b. In *Carrera Aguallo v. Kemper Corp.*, Case No. 1:21-cv-01883 (N.D. Ill. Oct. 27,
23 2021), Mr. Klinger, as appointed co-lead counsel, obtained final approval of a \$17.6
24 million dollar settlement to resolve data breach class action claims against Kemper
25 Corporation in a case involving more than six million class members.
- 26 c. Mr. Klinger currently serves as appointed co-lead counsel representing more than
27 three million class members in another major privacy class action in the Seventh
28 Circuit, which recently settled for a \$21 million non-reversionary common
fund. See *In re Arthur J. Gallagher Data Breach Litig.*, No. 1:21-cv-04056 (N.D.
Ill.).
- d. Mr. Klinger was appointed Co-Lead Counsel in the privacy case styled, *In re: Herff
Jones Data Breach Litigation*, Master File No. 1:21-cv-1329-TWP-DLP (S.D.
Ind.), which involves approximately one million class members and settled on a
class-wide basis for \$4.35 million.

e. Mr. Klinger served as co-lead counsel in the consolidated privacy litigation styled, *In Re: CaptureRx Data Breach Litigation*, No. 5:21-cv-00523-OLG (W.D. Tex.), which involves more than 2.4 million class members and settled on a class-wide basis for \$4.75 million.

82. Mr. Klinger and Milberg's data breach experience compare favorably with that of any law firm in the country. The firm has ample resources (both financial and personnel, with over 100+ attorneys at the firm) to fully and adequately represent the interests of the proposed class here.

83. Mr. Klinger graduated from the University of Illinois at Urbana-Champaign in 2007 and from the University of Illinois College of Law in 2010.

84. A copy of Milberg's firm resume is attached as **Exhibit 2**.

We declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: December 27, 2024

COLE & VAN NOTE

By: /s/ Scott Edward Cole, Esq.
Scott Edward Cole, Esq.
Interim Co-Lead Class Counsel

**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC**

By: /s/ Gary M. Klinger, Esq.
Gary M. Klinger, Esq.
Interim Co-Lead Class Counsel

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Exhibit 1

An aerial photograph of a modern skyscraper with a curved glass facade, reflecting the surrounding city and water. The building is situated in a dense urban area with other buildings and streets visible. In the background, a large body of water (likely a harbor or bay) is visible, with several ships and cranes. Distant hills and a city skyline are visible on the horizon under a clear blue sky.

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"A single voice has the power to push Big Business toward big change."

FIRM RESUME

OVERVIEW OF OUR PRACTICE

Cole & Van Note (“CVN”) is a boutique class action firm known for aggressive representation and impressive results in the areas of consumer fraud, data breach, environmental and employment litigation. Founded in 1992, CVN has been devoted primarily to such matters, having litigated hundreds of class actions against businesses of all types and in nearly every industry imaginable. The members of CVN have vast experience prosecuting class/complex actions, both in a sole counsel capacity and in leadership positions, oftentimes among many firms, in California and nationwide litigation. They have published numerous scholarly articles dealing with various substantive issues as well as class action litigation/procedure, speak regularly to legal audiences, and have served as consulting experts in class action litigation. CVN’s team of skilled advocates has recovered billions of dollars for tens of millions of workers and consumers, been involved in record-setting settlements and judgments and compelled the correction of innumerable unlawful practices.



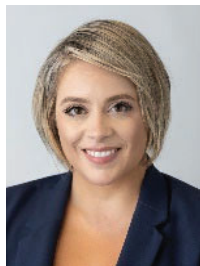
SHAREHOLDERS & ASSOCIATE ATTORNEYS



Scott Edward Cole, founder and shareholder of Cole & Van Note, has extensive leadership experience prosecuting class action cases in federal and state courts nationwide. Mr. Cole has authored numerous scholarly publications and serves as highly regarded guest lecturer on issues surrounding class action procedures and negotiation theory. Mr. Cole has been responsible for shaping the law in trial and appellate courts for decades, authored the book “Fallout” and is available to serve as a mediator of class action disputes.

Credentials: Admitted, State Bar of California, 1992; University of San Francisco School of Law, J.D., 1992; President, University of San Francisco Labor & Employment Law Society; San Francisco State University, B.A., Speech Communications (Individual Major in Rhetoric), 1989, Minor Study in Business Administration, 1989; Admitted, United States District Court for all California Districts, the District of Colorado and the Western District of Michigan; Admitted, United States Court of Appeals (6th, 9th and 10th Circuits). Additionally, Mr. Cole is a former National Association of Securities Dealers Registered Representative (Series 7) and is/has been a

member of the Association of Trial Lawyers of America, California Employment Lawyers Association, American Bar Association, Alameda County Bar Association (e.g., Vice Chair of ACBA's Labor & Employment Law Section Executive Committee), National Employment Lawyers Association and a U.S. Delegate to the InterAmerican Meeting of Labor and Trade Union Lawyers, Havana, Cuba (March 2012). Mr. Cole is also the author of "Fallout," a story based upon his experiences litigating after the 1994 airborne release of toxic chemicals by the Unocal Corporation (also used by various law schools in the curriculum for first year law students).



Laura Van Note, shareholder, is an aggressive and skilled advocate and leads the firm's hiring and career outreach efforts. A 2013 graduate of the University of Missouri, Kansas City School of Law, her practice has focused primarily on class action representation of data breach victims and underpaid workers in employment/civil rights litigation. With a near-perfect track record for results, Ms. Van Note appears in courts across the nation, is licensed in Kansas and Missouri and in numerous federal districts.

Credentials: Admitted, State Bar of California, 2016; Admitted, State Bar of Missouri, 2013; Admitted, State Bar of Kansas, 2015; Admitted, United States District Court for all California Districts, the Eastern District of Wisconsin, District of Kansas, Eastern and Western Districts of Missouri, District of New Mexico, District of Nebraska, District of Colorado and the Northern District of Illinois; University of Missouri, Kansas City School of Law, J.D., 2013 (Order of the Barrister, Dean's List, Captain of the National Trial Advocacy Team, President of the American Constitutional Society for Law and Policy, Teaching Assistant to the Directory of Advocacy); University of Missouri, Kansas City, B.A., History, Minor in French, 2010.



Alicyn Whitley, associate attorney, graduated from Golden Gate University's School of Law near the top of her class in 2018, receiving the Dean's Award for Scholarship and Leadership. While in school, Ms. Whitley worked at numerous Bay Area law firms as well as the U.S. Department of Labor on various civil litigation matters and contract disputes. With her substantial background as an insurance defense attorney handling numerous personal injury, construction defect and employment disputes, Ms. Whitley brings a unique perspective and set of skills to the firm's high profile consumer and

employment class action practice.

Credentials: Admitted, State Bar of California, 2019; Admitted, United States District Courts for Northern and Central California; Golden Gate University School of Law, J.D., 2018; University of Nevada, Las Vegas, B.A., Broadcast Journalism, 2013.



Mark T. Freeman, associate attorney, graduated from Pacific McGeorge School of Law in 2013 near the top of his class. During law school, Mr. Freeman engaged in the McGeorge Trial Advocacy Program (which he completed with Honors) and served as Chief Comment Editor for the McGeorge Law Review. A published author (“BarCram: How To Survive the Last Two Weeks Before You Take (And Pass) the California Bar”), Martindale-Hubbell “AV Preeminent” rated attorney and Certified Mediator, Mr. Freeman is also member of the Consumer Attorneys of California, the Congress of Neutrals and the Contra Costa County Bar Association. At CVN, Mr. Freeman utilizes his vast litigation experience in the areas of class action consumer, employment and data breach law.

Credentials: Admitted, State Bar of California, 2013; Admitted, United States District Courts for the Northern, Central and Eastern Districts of California; Admitted, 9th Circuit Court of Appeals; Pacific McGeorge School of Law, J.D., 2013 (Order of the Coif; McGeorge Law Review); Saint Mary’s College of California, B.A. in Economics; Minor in English & Creative Writing (Honors: Br. U. Jerome Griffin Award at Graduation (highest award in School of Econ. and Business)), 2010.

SCHOLARLY PUBLICATIONS

The following represent examples of how CVN has elected to give back and help shape the law through our own articles, opinion pieces and the like – some examples of this including:

The Quest for Class Certification, Employment Law Strategist (Sept. & Oct. 2003).

To Be or Not to Be a Penalty: Defining the Recovery Under California's Meal and Rest Period Provisions, Golden Gate U. L. Rev. (Spring 2005).

To Certify or Not to Certify: A Circuit-By-Circuit Primer of the Varying Standards for Class Certification in Actions under the Federal Labors Standards Act, B.U. Pub. Int. L.J. (Spring 2004).

Kullar v. Footlocker Retail, Inc.: A New Standard for Class Action Settlement Approval, CELA Bulletin (April 2009).

Ninth Circuit Provides Much Needed Guidance on Evidentiary Burdens in Overtime Misclassification Litigation, CELA Bulletin (May 2009).

Putting the "Rest" Back in Rest Break, Alameda County Bar Association - Labor & Employment Section News (Autumn 2009).

Barristers to Blogs: Softening Ethical Restrictions in the Digital Age, Los Angeles Daily Journal (June 14, 2010).

LEADERSHIP ROLES

CVN has held numerous court-appointed sole- and co-leadership positions in state and federal courts across the country. Recent lead counsel appointments include:

- In Re: Rackspace Data Security Litigation, No. SA-22-cv-01296-XR (W.D. Tex.) (court appointed lead counsel)
- Henderson v. Reventics, LLC, Case No. 1:23-cv-00586-MEH (D. Colo.) (court appointed co-lead counsel)
- Hinds v. Community Medical Centers, Inc., Case No. STK-CV-UNPI-2021-10404 (Super. Ct. Cal. San Joaquin Cnty.) (court appointed co-lead counsel)

- Tsvetanova v. UCSD Health, Case No. 37-2021-00039888-CU-PO-CTL (Super. Ct. Cal. San Diego Cnty.) (court appointed co-lead counsel)
- Fedorys v. Ethos Group Inc., Case No. 3:22-cv-2573-M (N.D. Tex.) (court appointed co-lead counsel)
- Moreland v. 1st Franklin Financial Corporation, Case No. 2:23-cv-00038-SCJ (N.D. Ga.) (court appointed co-lead counsel)
- Domitrovich v. MC Dean, Inc., Case No. 1:23-cv-00210-CMH-JFA (E.D. Va.) (court appointed co-lead counsel)
- Deevers v. Wing Financial Services, LLC, Case No. 4:22-cv-00550-CVE-MTS (N.D. Okla.) (court appointed co-lead counsel)
- Darrin v. Huntington Ingalls Industries, Inc., Case No. 4:23-cv-00053-JKW-DEM (E.D. Va.) (court appointed co-lead counsel)
- Guerrero v. Merritt Healthcare Holdings, LLC, Case No. 3:23-cv-00389-MPS (D. Conn.) (court appointed co-lead counsel)
- Prutsman v. Nonstop Administration and Insurance Services, Inc., Case No. 3:23-Cv-01131-VC (N.D. Cal.) (court appointed co-lead counsel)
- In re DISH Network Data Security Incident Litigation, Case No. 1:23-cv-01168-RMR-SBP (D. Colo.) (court appointed co-lead counsel)
- Byers v. OrthoAlaska, LLC, Case No. 3:23-cv-00243-SLG (D. Alaska) (court appointed co-lead counsel)
- Tambroni v. WellNow Urgent Care, P.C., Case No. 1:24-cv-01595 (N.D. Ill.) (court appointed co-lead counsel)
- Dryden v. Tri Counties Bank, Case No. 23CV03115 (Super. Ct. Cal. Butte Cnty.) (court appointed co-lead counsel)
- Brett v. Valley Mountain Regional Center, Case No. STK-CV-UPI-2024-0005025 (Super. Ct. Cal. San Joaquin Cnty.) (court appointed co-lead counsel)
- Cordell v. Patelco Credit Union, Case No. 24CV082095 (Super. Ct. Cal. Alameda Cnty.) (court appointed co-lead counsel)
- Skillings v. Access Sports Medicine and Orthopedics, Case No. 218-2024-CV-01086 (Super. Ct. New Hampshire Rockingham Cnty.) (court appointed co-lead counsel)
- Woodard v. Atlanta Women's Health Group, P.C., Case No. 24EV001838H (State Ct. Georgia Fulton Cnty.) (court appointed co-lead counsel)
- In Re: Cleveland Brothers Data Incident Litigation, Case No. 1:23-cv-00501-JPW (M.D. Penn.) (court appointed co-lead counsel)

- Hahn v. Phoenician Medical Center, Inc., Case No. CV2023-010982 (Super. Ct. Az. Maricopa Cnty.) (court appointed executive committee chair)
- Daley v. Risas Holdings LLC, Case No. CV-24-00789-PHX-SMM (D. Az.) (court appointed lead counsel)
- Shweiki v. Donor Network West, Case No. C20-00073, (Super. Ct. Cal. Contra Costa Cnty.) (court appointed lead counsel)
- Lowrey v. Community Psychiatry Mgt., LLC, Case No. 2:23-cv-00185-TLN-DB, (E.D. Cal.) (court appointed co-lead counsel)
- In Re: Blackhawk Network Data Breach Litig., Case No. 3:22-cv-07084-CRB, (N.D. Cal.) (court appointed co-lead counsel)
- In re Dropbox Sign Data Breach Litigation, Case No. 4:24-cv-02637-JSW (N.D. Cal.) (court appointed co-lead counsel)
- Bujok v. MC2 Data, LLC, Case No. 0:24-cv-61864-LEIBOWITZ (S.D. Fla.) (court appointed co-lead counsel)
- Francisco v. Diligent Acquisitions LLC, Case No. 4:24-cv-04468 (S.D. Tex.) (court appointed co-lead counsel)
- Oliver v. Jewish Home Lifecare, Index No. 157811/2024 (N.Y. Sup. Ct., N.Y. County, Index No. 157811/2024) (court appointed co-lead counsel)

EXEMPLAR COMPLEX & CLASS ACTION CASES

CVN's attorneys have represented tens of millions of individuals in legal disputes across hundreds of class action/complex litigation cases around the nation. For well over three decades, CVN's legal team has amassed extensive experience litigating data breach, wage and hour, environmental, and other personal injury and commercial cases. Today, the firm almost exclusively prosecutes multi-state data breach and other consumer-oriented class actions. Drawing from various areas of law, and by nowhere close to an exhaustive list, examples of the range of CVN's practice include matters such as:

Augustus/Davis v. ABM Security Services, Inc. (American Commercial Security Service, Inc.)

Superior Court of California, County of Los Angeles, Case No. BC336416; 2 Cal.5th 257 (2016)

Our firm filed this action for violations of California law for denial of meal and rest periods toward security guards. The action achieved class certification status in 2009. Following summary judgment proceedings, a judgment of over \$89 million was entered against the defendant(s). The judgment hinged on the issue of whether "on-duty" rest breaks were legally sufficient. After the Court of Appeal ruled against Plaintiffs on the issue, the case went to the California Supreme Court where Plaintiffs prevailed and, in so doing, created a new legal standard clarifying that "on-duty" rest breaks are invalid. After 12 years of litigation, successful summary judgment and substantial appellate work, this matter resolved for \$110 million.

Bower v. Steel River Systems LLC

Illinois Fourteenth Judicial Circuit Court (Whiteside County), Case No. 2023-LA-000006

This action arose out of Steel River Systems' 2022 data breach which affected numerous consumers and/or employees. This action settled for an undisclosed amount.

Brett v. Valley Mountain Regional Center

Superior Court of California, County of San Joaquin, Case No. STK-CV-UPI-2024-0005025

This action arose out of Valley Mountain's 2023 data breach which affected 17,000 patients of Defendant's facilities. Cole & Van Note was appointed co-lead class counsel.

Bulow v. Wells Fargo Investments, LLC

United States District Court (N.D. Cal.), Case No. 3:06-CV-7924

This matter was filed as a nation-wide class action against Wells Fargo Investments, on behalf of its Financial Consultants to recover overtime pay, compensation for denied meal and rest periods (California only) and reimbursement for business related service and supply expenses (California only). This matter settled for \$6.9 million.

Byers v. OrthoAlaska, LLC

United States District Court (D. Alaska), Case No. 3:23-cv-00243-SLG

This action arose out of OrthoAlaska's massive data breach which affected countless patients, consumers and/or employees. Cole & Van Note was court-appointed as co-lead class counsel.

Cano v. United Parcel Service, Inc.

Superior Court of California, County of Alameda, Case No. RG03089266

This wage and hour complex litigation matter involved the alleged misclassification of overtime non-exempt Operations Management Specialists, Operational Excellence Specialists and Industrial Engineering Specialist at this company's California facilities. This action settled for \$4.5 million.

Chaidez v. Odwalla, Inc.

Superior Court of California, County of San Mateo, Case No. CIV430598

This wage and hour complex litigation matter involved the alleged misclassification of overtime non-exempt California Route Sales Representatives. CVN served as primary counsel for this proposed class of employees. This action settled for \$2.2 million.

CKE Overtime Cases

Superior Court of California, County of Los Angeles, Case No. BC283274 (JCCP No. 4274)

This class action was brought against fast food chain Carl's Jr. for violations of California's overtime laws on behalf of the company's California restaurant chain Managers. The coordinated litigation provided a settlement fund of \$9.0 million.

Cordell v. Patelco Credit Union

Superior Court of California, County of Alameda, Case No. 24CV082095

This action arose out of the well-publicized 2024 data breach and denial of service impacting well over 1,000,000 Patelco customers. As a result of the event, Patelco customers were blocked access to their funds and other services for weeks, resulting in myriad damages including rejection of loan applications, damage to their credit and the inability to pay everyday life expenses. Cole & Van Note was appointed co-lead class counsel.

Darrin v. Huntington Ingalls Industries, Inc.

United States District Court (E.D. Va.), Case No. 4:23-cv-00053-JKW-DEM

This action arose out of Huntington Ingalls' massive data breach. Cole & Van Note was appointed by the court to a co-lead counsel position.

Davis v. Universal Protection Security Systems, Inc.

Superior Court of California, County of San Francisco, Case No. CGC-09-495528

Our firm filed a claim in 2009 against Universal Protection Security Systems, Inc. for violations of California law for denial of meal and rest periods toward security guards. This case settled under Cole & Van Note's sole leadership for \$4 million.

Deevers v. Wing Financial Services, LLC

United States District Court (N.D. Okla.), Case No. 4:22-cv-00550-CVE-MTS

This action arose out of Wing Financial's 2022 data breach which affected numerous loan consumers. Cole & Van Note was appointed co-lead class counsel.

Despres (Cornn) v. United Parcel Service, Inc.

United States District Court (N.D. Cal.), Case No. 3:03-CV-02001

This wage and hour class action litigation was brought to remedy violations of meal and rest period regulations on behalf of the company's California ground delivery drivers. CVN served as co-counsel for the certified class of drivers. This action settled for \$87 million, an unprecedented settlement amount at the time for such claims.

Domitrovich v. MC Dean, Inc.

United States District Court (E.D. Va.), Case No. 1:23-cv-00210-CMH-JFA

This action arose out of MC Dean's 2021 data breach which affected 45,000 employees. Cole & Van Note was appointed co-lead class counsel.

Dryden v. Tri Counties Bank

Superior Court of California, County of Butte, Case No. 23CV03115

This action arose out of Tri Counties' 2023 data breach which affected nearly 75,000 consumers. Cole & Van Note was appointed co-lead class counsel.

Escow-Fulton v. Sports and Fitness Clubs of America dba 24 Hour Fitness USA, Inc.

Superior Court of California, County of San Diego County, Case Nos. GIC881669/GIC873193)

Our firm filed this class action on behalf of the company's California "Group X" Instructors to recover regular and overtime pay, related penalties and un-reimbursed expenses. The action achieved class certification status in 2009. In 2011, the parties agreed to a partial settlement (of the expense reimbursement claims) for \$10 million. The parties then filed cross-motions for summary adjudication and, on August 2, 2011, the court issued an Order finding 24 Hour Fitness' session rate compensation scheme to be an invalid piece rate. The parties then agreed to settle the unpaid wage claims for another \$9 million, for a total judgment of \$19 million. This was an industry changing case that helped define "piece rate" standard under California law.

Fedorys v. Ethos Group, Inc.

United States District Court (N.D. Tex.), Case No. 3:22-cv-02573-M

This action arose out of Ethos Group's 2022 data breach which affected at least 267,000 consumers. Cole & Van Note was appointed co-lead class counsel.

Guerrero v. Merritt Healthcare Holdings, LLC

United States District Court (D. Conn.), Case No. 3:23-cv-00389-MPS

This action arose out of Merritt Healthcare's 2022 data breach which affected over 77,000 patients. Cole & Van Note was appointed co-lead class counsel.

Hakeem v. Universal Protection Service, LP

Superior Court of California, County of Sacramento, Case Nos. 34-2020-00286228-CU-OE-GDS; 34-201900270901-CU-OE-GDS

After an exhaustive multi-year process including venue transfer, consolidation, migration of litigants from one case to the other, multiple appeals and, generally, extremely hard-fought litigation, these two security guard class actions achieved a consolidated judgment under Cole & Van Note's sole leadership for \$10 million.

Henderson v. Reventics, LLC

United States District Court (D. Colo.), Case No. 1:23-cv-00586-MEH

This action arose out of Reventics' massive 2022 data breach which affected over four million patients, consumers and employees. Cole & Van Note was appointed co-lead class counsel.

Hinds v. Community Medical Centers

Superior Court of California, County of San Joaquin, Case No. STK-CV-UNPI-2021-0010404

This action arose out of Community Medical Centers' massive 2021 data breach which affected countless patients, consumers and/or employees. After reviewing competing requests for leadership over these consolidated actions, Cole & Van Note was appointed by the court to a co-lead counsel position. This action resulted in a multi-million-dollar judgment.

In re Apple Inc. Device Performance Litigation

United States District Court (N.D. Cal.), Case No. 5:18-md-02827-EJD

Following Apple's December 2017 admission that it throttled back performance of its iPhones (versions 6, 6 Plus, 6s, 6s Plus, SE, 7 and 7 Plus) to mask the problem of defective batteries and unexpected iPhone shut-downs, Cole & Van Note filed a class action to recover damages for consumers nationwide. Cole & Van Note served on the Plaintiffs' Steering Committee. This action settled for \$500 million.

In re DISH Network Data Security Incident Litigation

United States District Court (D. Colo.), Case No. 1:23-cv-01168-RMR-SBP

This action arose out of DISH Network's massive data breach which affected over 300,000 workers. Cole & Van Note was appointed by the court to a co-lead counsel position.

In re Dropbox Sign Data Breach Litigation

United States District Court (N.D. Cal.), Case No. 4:24-cv-02637-JSW

This action arose out of Dropbox's massive data breach. Cole & Van Note was appointed by the court to a co-lead counsel position.

In re Rackspace Security Litigation

United States District Court (W.D. Tex.), Case No. SA-22-cv-01296

This action arises out of Rackspace Technology's 2022 massive ransomware event which shut down functionality for tens of thousands of individuals and businesses across the United States

and overseas. Cole & Van Note served as court-appointed sole lead counsel for the nationwide class and representative plaintiffs from over 30 states.

In re Tosco SFR Litigation

Superior Court of California, County of Contra Costa, Case No. C97-01637

During incidents in April 1997 and January 1998, the Tosco Refinery in Rodeo, California released tons of airborne toxic chemicals. These harmful substances traveled into neighboring communities, seriously affecting the health of citizens and local workers. CVN served as Lead Counsel in this complex litigation and represented thousands of members of the community in that role. The multi-million-dollar fund created through this litigation under Cole & Van Note's sole leadership was disbursed among thousands of claimants and significantly change practices at this refinery ever since.

In re Unocal Refinery Litigation

Superior Court of California, County of Contra Costa, Case No. C94-04141

In response to Unocal's 16-day airborne release of chemicals over the County of Contra Costa in 1994, CVN filed a class action against the corporation on behalf of thousands of victims and thereafter served as one of a handful of firms (among dozens of law firms of record) on the Plaintiffs' Steering Committee. After hard-fought litigation, the matter eventually settled for \$80 million. This litigation, Mr. Cole's efforts to commence it and his grassroots work and exposure of the toxic event to the media provide the backdrop for Mr. Cole's book, "Fallout," published in 2018 (2605 Media LLC). In the end, the impact of this litigation was sweeping, substantially changing practices at this refinery and industry regulations, helping to establish a toxic release community monitoring system that spawned similar systems across the nation, establishing parks, improved roadways and an unprecedented community-industry Good Neighbor agreement.

In re Walgreen Co. Wage and Hour Litigation

United States District Court (C.D. Cal.), Case No. 2:11-CV-07664

Our firm served as court-appointed Lead Counsel after an adversarial hearing process in this consolidated action of nine lawsuits bringing a variety of wage and hour claims on behalf of California workers. The case settled under Cole & Van Note's sole leadership for \$23 million.

In re Westley Tire Fire Litigation

Superior Court of California, County of Santa Clara, Case No. CV 801282

On September 22, 1999, lightning struck and ignited a pile of approximately 7 million illegally stored waste tires in Westley, California, a town about 70 miles east of San Francisco. Over the subsequent five weeks, the fire spewed smoke and carcinogens over a large portion of the State of California. CVN served as the (sole) Lead and (shared) Liaison Counsel over a Plaintiffs' Steering/Management Committee in the consolidated actions against the owners and operators of this tire pile and related entities. These cases sought compensation for those individuals and businesses suffering personal and/or property damages as a result of these toxic substances and the fire's fall-out. In 2001, CVN reached a settlement with one defendant (CMS Generation Co.)

for \$9 million. In 2003, the Court granted final approval of the settlement. In 2005, two of the remaining defendants settled for roughly \$1.4 million (over \$10 million aggregate).

Kullar v. Foot Locker, Inc.

Superior Court of California, County of San Francisco, Case No. CGC-05-447044; 168 Cal.App.4th 116 (2008)

This class action was brought on behalf of California employees allegedly forced to purchase shoes of a distinctive color or design as a term and condition of their employment and in violation of state law. After the Court approved a multi-million settlement, two separate appeals challenged the settlement, but the Court of Appeal affirmed the trial court's judgment. This oft-cited case established in California what's now known as the "*Kullar standard*" for court approval of class action settlements.

Kurihara v. Best Buy Co., Inc.

United States District Court (N.D. Cal.), Case No. C 06-01884 MHP (EMC)

This class action was brought on behalf of Best Buy's California employees against this chain retailer for violations of California law (for denial of meal and rest periods). This case was granted class certification and Cole & Van Note then settled it for \$5 million following an oft-cited ruling which clarified the distinction between class composition and entitlement to a recovery.

Lett v. TTEC

United States District Court (N.D. Cal.), Case No. 3:22-cv-00018

This action arose out of TTEC Service Corporation's massive data breach in 2021 which affected countless patients, consumers and employees. CVN helped negotiate a \$2.5 million settlement for the class of victims.

Mambuki v. Securitas Security Services USA, Inc.

Superior Court of California, County of Santa Clara, Case No. 1-05-CV-047499 (JCCP No. 4460)

Our firm filed a claim against this defendant for violations of California law (for denial of meal and rest periods) on behalf of the company's California-based security guards. This coordinated proceeding settled in 2008 for \$15 million.

Mendoza v. CaptureRx

United States District Court (W.D. Texas), Case No. 5:21-CV-00523-OLG

This class action against NEC Networks, LLC, d/b/a CaptureRx ("CaptureRx"), as well as Rite Aid and Community Health Centers of the Central Coast arising out of the massive data breach in 2021 which affected a minimum of 1.6 million people. The hacked information included sensitive personally identifiable information and personal health information. These consolidated cases settled in 2022 for a total value of \$4.75 million.

Moreland, et al. v. 1st Franklin Financial Corporation

United States District Court (N.D. Ga.), Case No. 2:23-cv-00038-SCJ

This action arose out of 1st Franklin Financial's 2022 data breach affecting this company's loan consumers. Cole & Van Note was appointed co-lead class counsel.

O'Brien v. Edward D. Jones & Co., LP

United States District Court (N.D. Ohio), Case No. 1:08-CV-00529

We filed a nation-wide (and New York State) class action against this financial securities company on behalf of the company's financial services representatives to recover overtime pay and related penalties. CVN served on a Lead Counsel Committee in this action, which settled in 2007 for \$19 million.

Onyeige v. Union Telecard Alliance, LLC

United States District Court (N.D. Cal.), Case No. 3:05-CV-03971; MDL No. 1550

Our firm filed an action against Union Telecard Alliance, LLC alleging negligent misrepresentation and deceptive advertising practices related to its marketing of pre-paid telephone calling cards. This action settled for \$22 million.

Prutsman v. Nonstop Administration and Insurance Services, Inc.

United States District Court (N.D. Cal.), Case No. 3:23-cv-01131-VC

This action arose out of Nonstop's massive 2022 data breach which affecting consumers, employees and health care affiliates. Cole & Van Note was appointed co-lead class counsel.

Ramirez v. The Coca Cola Company

Superior Court of California, County of San Bernardino, Case No. RCV 056388 (JCCP No. 4280)

This was one of two companion actions CVN prosecuted against this soft drink giant for violations of California's overtime laws. This action was brought on behalf of over 4,000 hourly workers at the company's bottling, distribution and sales centers who were allegedly forced to work "off-the-clock" for Coca Cola and/or whose time records were ordered modified by the company. This well-publicized action resolved under Cole & Van Note's leadership for \$12 million.

Riordan v. Western Digital Corp.

United States District Court (N.D. Cal.), Case No. 5:21-CV-06074

This action arose out of the well-publicized widespread criminal data deletion of consumer hard drives in 2021. According to the lawsuit, the company knew of vulnerabilities in, at least, six of its products for years which, ultimately, led to the erasure of data for countless purchasers of these products. CVN served as sole counsel for the victims.

Roman/Toussaint v. HanesBrands, Inc.

United States District Court (M.D. N.C.), Case No. 1:22-cv-00879-LCB-LPA

This case involved a data breach of HanesBrands' network system in which worker information was accessed and/or reviewed by cybercriminals.

Tambroni v. WellNow Urgent Care, P.C.

United States District Court (N.D. Ill.), Case No. 1:24-cv-01595

This action arose out of WellNow's 2023 data breach affecting over 400,000 patients. Cole & Van Note was appointed co-lead class counsel.

Thomas v. Cal. State Auto. Assoc.

Superior Court of California, County of Alameda, Case No. CH217752

Our firm filed this class action litigation on behalf of all California claims adjusters working for CSAA after mid-January 1997. This lawsuit alleged that, during those years, CSAA misclassified these workers as exempt "administrators" and refused to pay them for overtime hours worked. This lawsuit settled for \$8 million for nearly 1,200 workers.

Tierno v. Rite Aid Corporation

United States District Court (N.D. Cal.), Case No. 3:05-CV-02520

Our firm filed this action against Rite Aid Corporation on behalf of its salaried California Store Managers. It was alleged that defendant, purportedly the nation's third largest drug store chain, failed to pay overtime to those workers and denied them their meal and rest periods. In 2006, the federal court certified the class in this action, and approved a hard-fought settlement, achieved under Cole & Van Note's sole leadership, of \$6.9 million.

Tsvetanova v. Regents of the University of California, dba U.C. San Diego Health

Superior Court of California, County of San Diego, Case No. 37-2021-00039888-CU-PO-CTL

This action arose out of U.C. San Diego Health's massive data breach between December 2020 and April 2021 which affected countless patients, consumers and employees. After reviewing numerous requests for leadership over these consolidated actions, Cole & Van Note was appointed by the court to a co-lead class counsel position.

Witriol v. LexisNexis

United States District Court (S.D. Cal.), Case No. 3:06-CV-02360

Our firm filed an action against this company for its unlawful disclosure of private credit, financial and/or other personal information. This litigation, resolved by Cole & Van Note, provided a settlement fund of \$2.8 million.

CVN also serves in more informal (e.g., Executive Committee or Plaintiffs' Steering Committee) leadership positions in numerous other data breach cases and in sole counsel roles in many dozens more—actions currently pending across the majority of U.S. states.

APPELLATE EXPERIENCE

CVN has substantial appellate experience, merely highlighted by some examples below. For other appellate and/or unreported opinions and/or a list of matters currently on appeal, please contact our firm.

Augustus v. ABM Security Services, Inc. (2016) 2 Cal.5th 257 (Case No. S224853).

Baddie v. Berkeley Farms, Inc. (9th Cir. 1995) 64 F.3d 487 (Case No. 93-17187).

Dunbar v. Albertson's, Inc. (2006) 141 Cal.App.4th 1422 (First Dist., Division 1, Case No. A111153).

In re Certified Tire and Service Centers Wage and Hour Cases (2018)
28 Cal.App.5th 1 (Cal. Ct. of Appeals, Fourth Dist., Division 1, Case No. A086407).

Kullar v. Foot Locker Retail, Inc. (2008) 168 Cal.App.4th 116 (Case No. A119697).

Montano v. The Wet Seal Retail, Inc. (2015) 232 Cal.App.4th 1214 (Cal. Ct. App. 2015)

O'Hara v. Factory 2-U Stores, Inc., 2003 WL 22451991 (Cal. Ct. of Appeals, First District, Division 4, Case No. A101452)

Taylor v. Park Place Asset Management (1999) (Cal. Ct. of Appeals, First Dist., Division 5, Case No. A086407).

Whiteway v. Fedex Kinko's Office and Print Services (9th Cir. 2009) 319 Fed.Appx. 688 (Case No. 07-16696).

Current appeals not listed.



555 12th Street, Suite 2100
Oakland, CA 94607
Tel: 510-891-9800

www.colevannote.com

Exhibit 2



FIRM RESUME



Milberg Coleman Bryson Phillips Grossman PLLC (“Milberg”) is an AV-rated international law firm with more than 100 attorneys and offices across the United States, the European Union, and South America. Combining decades of experience, Milberg was established through the merger of Milberg Phillips Grossman LLP, Sanders Phillips Grossman LLC, Greg Coleman Law PC, and Whitfield Bryson LLP.

Milberg prides itself on providing thoughtful and knowledgeable legal services to clients worldwide across multiple practice areas. The firm represents plaintiffs in the areas of antitrust, securities, financial fraud, consumer protection, automobile emissions claims, defective drugs and devices, environmental litigation, financial and insurance litigation, and cyber law and security.

For over 50 years, Milberg and its affiliates have been protecting victims’ rights. We have recovered over \$50 billion for our clients. Our attorneys possess a renowned depth of legal expertise, employ the highest ethical and legal standards, and pride ourselves on providing stellar service to our clients. We have repeatedly been recognized as leaders in the plaintiffs’ bar and appointed to numerous leadership roles in prominent national mass torts and class actions.

Milberg challenges corporate wrongdoing through class action, mass tort, consumer and shareholder right services, both domestically and globally.

In the United States, Milberg currently holds more than 100 court-appointed full- and co-leadership positions in state and federal courts across the country. Our firm has offices in California, Chicago, Florida, Georgia, Illinois, Kentucky, Louisiana, Mississippi, New Jersey, New York, North Carolina, South Carolina, Tennessee, Washington, Washington D.C., and Puerto Rico. Milberg’s commitment to its clients reaches beyond the United States, litigating antitrust, securities, and consumer fraud actions in Europe and South America, with offices located in the United Kingdom, and the Netherlands. Milberg prides itself on providing excellent service worldwide.

The firm’s lawyers have been regularly recognized as leaders in the plaintiffs’ bar by the National Law Journal, Legal 500, Chambers USA, Time Magazine, and Super Lawyers, among others.

“A powerhouse that compelled miscreant and recalcitrant businesses to pay billions of dollars to aggrieved shareholders and customers.”
- THE NEW YORK TIMES

PRACTICE AREAS

SECURITIES FRAUD

Milberg pioneered the use of class action lawsuits to litigate claims involving investment products, securities, and the banking industry. Fifty years ago, the firm set the standard for case theories, organization, discovery, methods of settlement, and amounts recovered for clients. Milberg remains among the most influential securities litigators in the United States and internationally.

Milberg and its attorneys were appointed Lead Counsel and Co-Lead Counsel in hundreds of federal, state, and multidistrict litigation cases throughout its history.

ANTITRUST & COMPETITION LAW

For over fifty years, Milberg's Antitrust Practice Group has prosecuted complex antitrust class actions against defendants in the healthcare, technology, agriculture, and manufacturing industries engaged in price-fixing, monopolization and other violations of antitrust law and trade restraints.

FINANCIAL LITIGATION

For over fifty years, Milberg's Antitrust Practice Group has prosecuted complex antitrust class actions against defendants in the healthcare, technology, agriculture, and manufacturing industries engaged in price-fixing, monopolization and other violations of antitrust law and trade restraints.

CONSUMER PROTECTION

Milberg's Consumer Protection Practice Group focuses on improving product safety and protecting those who have fallen victim to deceptive marketing and advertising of goods and services and/or purchased defective products. Milberg attorneys have served as Lead Counsel and Co-Lead Counsel in hundreds of federal, state, and multidistrict litigation cases alleging the sale of defective products, improper marketing of products, and violations of consumer protection statutes.

DANGEROUS DRUGS & DEVICES

Milberg is a nationally renowned firm in mass torts, fighting some of the largest, wealthiest, and most influential pharmaceutical and device companies and corporate entities in the world. Our experienced team of attorneys has led or co-led numerous multidistrict litigations of defective drugs and medical devices.

EMPLOYMENT & CIVIL RIGHTS

Milberg's Employment & Civil Rights attorneys focus on class actions and individual cases nationwide arising from discriminatory banking and housing practices, unpaid wages and sales commissions, improperly managed retirement benefits, workplace discrimination, and wrongful termination.

ENVIRONMENTAL LITIGATION & TOXIC TORTS

Milberg's Environmental Litigation & Toxic Torts Practice Group focuses on representing clients in mass torts, class actions, multi-district litigation, regulatory enforcement, citizen suits, and other complex environmental and toxic tort matters. Milberg and its attorneys have held leadership roles in all facets of litigation in coordinated proceedings, with a particular focus on developing the building blocks to establish general causation, which is often the most difficult obstacle in an environmental or toxic tort case.

STATE & LOCAL GOVERNMENTS

Milberg attorneys are dedicated to defending the Constitutional and statutory rights of individuals and businesses that are subjected to unlawful government exactions and fees by state and local governments or bodies.

INFORMATION TECHNOLOGY

Milberg is a leader in the fields of cyber security, data breach litigation, and biometric data collection, litigating on behalf of clients – both large and small – to change data security practices so that large corporations respect and safeguard consumers' personal data.

APPELLATE

Consisting of former appellate judges, experienced appellate advocates, and former law clerks who understand how best to present compelling arguments to judges on appeal and secure justice for our clients beyond the trial courts, Milberg's Appellate Practice Group boasts an impressive record of success on appeal in both state and federal courts.

LEADERSHIP ROLES

In re: Google Play Consumer Antitrust Litigation
In re: Elmiron (Pentosan Polysulfate Sodium) Products Liability Litigation
In re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices & Products Liability Litigation
In re: Blackbaud Inc., Customer Data Breach Litigation
In re: Paragard IUD Products Liability Litigation
In re: Seresto Flea & Tick Collar, Marketing Sales Practices & Product Liability Litigation
In re: All-Clad Metalcrafters, LLC, Cookware Marketing and Sales Practices Litigation
In re: Allergan Biocell Textured Breast Implant Products Liability Litigation
In re: Zicam Cold Remedy Marketing, Sales Practices and Products Liability Litigation
In re: Guidant Corp. Implantable Defibrillators Product Liability Litigation
In re: Ortho Evra Products Liability Litigation
In re: Yasmin and YAZ (Drospirenone) Marketing, Sales Practices and Products Liability Litigation
In re: Kugel Mesh Hernia Patch Products Liability Litigation
In re: Medtronic, Inc. Sprint Fidelis Leads Products Liability Litigation
In re: Stand 'N Seal Products Liability Litigation
In re: Chantix (Varenicline) Products Liability Litigation
In re: Fosamax (alendronate Sodium) Products Liability Litigation
In re: Benicar (Olmesartan) Products Liability Litigation
In re: Onglyza (Saxagliptin) & Kombiglyze Xr (Saxagliptin & Metformin) Products Liability Litigation
In re: Risperdal and Invega Product Liability Cases
In re: Mirena IUS Levonorgestrel-Related Products Liability Litigation
In re: Incretin-based Therapies Product Liability Litigation
In re: Reglan/Metoclopramide
In re: Levaquin Products Liability Litigation
In re: Zimmer Nexgen Knee Implant Products Liability Litigation
In re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation
In re: Propecia (Finasteride) Products Liability Litigation
In re: Transvaginal Mesh (In Re C. R. Bard, Inc., Pelvic Repair System Products Liability Litigation; In Re Ethicon, Inc., Pelvic Repair System Products Liability Litigation; In Re Boston Scientific, Inc., Pelvic Repair System Products Liability; In Re American Medical Systems, Pelvic Repair System Products Liability, and others)
In re: Fluoroquinolone Product Liability Litigation
In re: Depuy Orthopaedics, Inc., Pinnacle Hip Implant Products Liability Litigation
In re: Recalled Abbott Infant Formula Products Liability Litigation
Home Depot, U.S.A., Inc. v. Jackson
Webb v. Injured Workers Pharmacy, LLC

NOTABLE RECOVERIES

\$4 Billion Settlement

In re: Prudential Insurance Co. Sales Practice Litigation

\$3.2 Billion Settlement

In re: Tyco International Ltd., Securities Litigation

\$1.14 Billion Settlement

In Re: Nortel Networks Corp. Securities Litigation

\$1 Billion-plus Trial Verdict

Vivendi Universal, S.A. Securities Litigation

\$1 Billion Settlement

NASDAQ Market-Makers Antitrust Litigation

\$1 Billion Settlement

W.R. Grace & Co.

\$1 Billion-plus Settlement

Merck & Co., Inc. Securities Litigation

\$775 Million Settlement

Washington Public Power Supply System Securities Litigation

\$586 Million Settlement

In re: Initial Public Offering Securities Litigation

LOCATIONS

PUERTO RICO

1311 Avenida Juan Ponce de León
San Juan, Puerto Rico 00907

CALIFORNIA

280 South Beverly Drive, Penthouse
Beverly Hills, California 90212

402 West Broadway, Suite 1760
San Diego, California 92101

FLORIDA

2701 South Le Jeune Road
Coral Gables, Florida 33134

ILLINOIS

227 W. Monroe Street, Suite 2100
Chicago, Illinois 60606

KENTUCKY

19 North Main Street
Madisonville, Kentucky 42431

LOUISIANA

5301 Canal Boulevard
New Orleans, Louisiana 70124

MICHIGAN

6905 Telegraph Road, Suite 115
Bloomfield Hills, Michigan 48301

NEW JERSEY

1 Bridge Plaza North, Suite 675
Fort Lee, New Jersey 07024

NEW YORK

100 Garden City Plaza, Suite 500
Garden City, New York 11530

405 E 50th Street
New York, New York 10022

NORTH CAROLINA

900 West Morgan Street
Raleigh, North Carolina 27603

SOUTH CAROLINA

825 Lowcountry Blvd, Suite 101
Mount Pleasant, South Carolina 29464

TENNESSEE

800 S. Gay Street, Suite 1100
Knoxville, Tennessee 37929

518 Monroe Street
Nashville, Tennessee 37208

WASHINGTON

1420 Fifth Ave, Suite 2200
Seattle, Washington 98101

17410 133rd Avenue, Suite 301
Woodinville, Washington 98072

WASHINGTON, D.C.

5335 Wisconsin Avenue NW, Suite 440
Washington, D.C. 20015-2052

NETHERLANDS

UNITED KINGDOM



Exhibit 3

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
OAKLAND, CA 94607
TEL: (510) 891-9800

Scott Edward Cole, Esq. (S.B. #160744)
Laura Grace Van Note, Esq. (S.B. #310160)

COLE & VAN NOTE

555 12th Street, Suite 2100

Oakland, California 94607

Telephone: (510) 891-9800

Facsimile: (510) 891-7030

Email: sec@colevannote.com

Email: lvn@colevannote.com

Gary M. Klinger, Esq. (*pro hac vice*)

MILBERG COLEMAN BRYSON

PHILLIPS GROSSMAN, PLLC

227 W. Monroe Street, Suite 2100

Chicago, Illinois 60606

Telephone: (866) 252-0878

Email: gklinger@milberg.com

Interim Co-Lead Class Counsel

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JOHN PRUTSMAN, AMIRA MARTZ,
SIMCHA RINGEL, NAIOMI MARDEN,
ALANA BALAGOT, CORRINE WARREN,
SUNNY LAI, and DAVID KLEIN,
individually, and on behalf of all others
similarly situated,

Plaintiffs.

v.

NONSTOP ADMINISTRATION AND
INSURANCE SERVICES, INC.,

Defendant.

This Document Related To: All Actions.

Case No. 3:23-cv-01131-RFL

CLASS ACTION

**DECLARATION OF PLAINTIFF JOHN
PRUTSMAN IN SUPPORT OF MOTION
FOR AWARD OF ATTORNEYS' FEES
AND COSTS, AND SERVICE AWARDS**

Date: March 18, 2025

Time: 1:30 P.M.

Ctrm.: 15 – 18th Floor

Judge: Hon. Rita F. Lin

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
OAKLAND, CA 94607
TEL: (510) 891-9800

1 I, John Prutsman, declare as follows:

2 1. I am a named plaintiff and have been appointed as a Class Representative in the
3 above-captioned litigation. I submit this declaration in support of Plaintiffs' Unopposed Motion
4 for Approval of Attorneys' Fees Award, Expense Reimbursement, and Service Awards to
5 Representative Plaintiffs. The following facts are based upon my personal knowledge and, if called
6 upon to do so, I could and would competently testify thereto.

7 2. On or about February 22, 2023, I was notified that the Private Information I had
8 provided to Defendant may have been improperly exposed to unauthorized third parties, including
9 potentially my name, date of birth, gender, physical and email addresses, telephone number, Social
10 Security number, medical treatment/diagnosis information, health insurance provider, and claims
11 and billing information. As a result of receiving the data breach notification letter, I have spent
12 time dealing with the consequences of the breach and taking action to mitigate the impact of the
13 breach, including monitoring my financial and medical accounts. I believe I have been placed at
14 an imminent and continuing risk of harm through the theft of my personally identifying and
15 sensitive medical information as a result of the Data Breach.

16 3. I have suffered lost time, annoyance, interference, and inconvenience as a result of
17 the Data Breach and have serious concerns for the loss of my privacy. I have suffered injury arising
18 from the substantially increased risk of fraud, identity theft, and misuse resulting from my Private
19 Information being placed in the hands of criminals.

20 4. After I received a data breach notification letter from Nonstop Administration and
21 Insurance Services, Inc., I sought out and spoke with experienced attorneys to determine if I would
22 retain them to handle my case. I spent significant time communicating with them about the facts
23 of this case and the law, including the duties and responsibilities involved with serving as a class
24 representative. In the end, I decided to vindicate not only my own rights, but also those of others
25 affected by Data Breach, by serving as a class representative in this class action lawsuit. Since
26 agreeing to serve as a class representative, I have diligently and faithfully fulfilled my obligations,
27 placed Class Member's interests before my own, and made efforts to achieve the incredible relief
28 obtained for the Class.

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
OAKLAND, CA 94607
TEL: (510) 891-9800

5. I have participated in this litigation from the filing of my original complaint through settlement discussions and preliminary approval. I have been in regular contact with my attorneys during the course of this matter to stay abreast of the status of the litigation and my obligations as a named plaintiff.

6. I reviewed, provided comments and approved for filing both the initial Complaint as well as the subsequent Consolidated Amended Complaint.

7. I assisted in providing factual information needed for offensive discovery, as well as in response to interrogatories and requests for production of documents served on me by Defendant. This included gathering evidence and collecting documents from my records, my computer and other sources for production.

8. I also kept in communication with my attorneys throughout the mediation and negotiation process, had communications with my counsel with respect to the terms of settlement, provided my approval to the terms of the settlement, and reviewed and approved the Settlement Agreement and the Motion for Preliminary Approval of the Settlement.

9. I estimate I have spent approximately 13 hours of my time on this litigation to date. Among other things, I have spent time researching the facts of this case and my rights as a class member; speaking with Class Counsel and other attorneys representing the Class; searching for documents relevant to the matter; reviewing pleadings and other filings in the action; reviewing and approving the Settlement Agreement; and reviewing and having further communications with my attorneys regarding the Motion for Preliminary Approval. In addition, I anticipate continuing to stay involved in this litigation throughout the final approval process and any potential appeals. Like all Participating Settlement Class Members, I am submitting a claim for the exceptional benefits offered through this Settlement.

10. I am familiar with the efforts involved in prosecuting this action and worked closely with my attorneys in prosecuting the action and evaluating the settlement. Throughout this litigation, I made myself available to discuss developments in the case as part of my duty as a class representative, and to provide any and all information necessary for the prosecution of this case. In all, I have devoted significant time and attention to this matter.

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
OAKLAND, CA 94607
TEL: (510) 891-9800

11. I have fairly represented the absent Class members and herein request that the Court approve this Settlement. I have maintained the best interests of the class while performing my class representative duties.

12. In addition to the time I spent participating in the prosecution of this case, I took a risk by coming forward and filing this class action. As a result of my stepping forward and lending my name and efforts to this litigation, other class members affected by the Nonstop Administration and Insurance Services, Inc., Data Breach will receive the benefits of the settlement to compensate them for the injuries directly and proximately caused by Defendant's failure to implement or maintain adequate data security measures for private information.

13. Based on the foregoing, I respectfully request that this Court award me a service award of \$2,500.00.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 26 day of December 2024.


John Prutsman (Dec 26, 2024 14:12 MST)
John Prutsman

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
OAKLAND, CA 94607
TEL: (510) 891-9800

Scott Edward Cole, Esq. (S.B. #160744)
Laura Grace Van Note, Esq. (S.B. #310160)
COLE & VAN NOTE
555 12th Street, Suite 2100
Oakland, California 94607
Telephone: (510) 891-9800
Facsimile: (510) 891-7030
Email: sec@colevannote.com
Email: lvn@colevannote.com

Gary M. Klinger, Esq. (*pro hac vice*)
**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC**
227 W. Monroe Street, Suite 2100
Chicago, Illinois 60606
Telephone: (866) 252-0878
Email: gklinger@milberg.com

Plaintiffs' Interim Co-Lead Class Counsel

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JOHN PRUTSMAN, AMIRA MARTZ,
SIMCHA RINGEL, NAIOMI MARDEN,
ALANA BALAGOT, CORRINE
WARREN, SUNNY LAI, and DAVID
KLEIN, individually, and on behalf of all
others similarly situated,

Plaintiffs.

v.

NONSTOP ADMINISTRATION AND
INSURANCE SERVICES, INC.,

Defendant.

This Document Related To: All Actions

Case No. 3:23-cv-01131-RFL

CLASS ACTION

**DECLARATION OF PLAINTIFF AMIRA
MARTZ IN SUPPORT OF MOTION FOR
AWARD OF ATTORNEYS' FEES AND
COSTS, AND SERVICE AWARDS**

Date: March 18, 2025

Time: 1:30 P.M.

Ctrm.: 15 – 18th Floor

Judge: Hon. Rita F. Lin

I, Amira Martz, declare as follows:

1. I am a named plaintiff and have been appointed as a Class Representative in the above-captioned litigation. I submit this declaration in support of Plaintiffs' Unopposed Motion for Approval of Attorneys' Fees Award, Expense Reimbursement, and Service Awards to

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
OAKLAND, CA 94607
TEL: (510) 891-9800

1 Representative Plaintiffs. The following facts are based upon my personal knowledge and, if called
2 upon to do so, I could and would competently testify thereto.

3 2. On or about February 22, 2023, I was notified that the Private Information I had
4 provided to Defendant may have been improperly exposed to unauthorized third parties, including
5 potentially my name, date of birth, gender, physical and email addresses, telephone number, Social
6 Security number, medical treatment/diagnosis information, health insurance provider, and claims
7 and billing information. As a result of receiving the data breach notification letter, I have spent
8 time dealing with the consequences of the breach and taking action to mitigate the impact of the
9 breach, including monitoring my financial and medical accounts. I believe I have been placed at
10 an imminent and continuing risk of harm through the theft of my personally identifying and
11 sensitive medical information as a result of the Data Breach.

12 3. I have suffered lost time, annoyance, interference, and inconvenience as a result of
13 the Data Breach and have serious concerns for the loss of my privacy. I have suffered injury arising
14 from the substantially increased risk of fraud, identity theft, and misuse resulting from my Private
15 Information being placed in the hands of criminals.

16 4. After I received a data breach notification letter from Nonstop Administration and
17 Insurance Services, Inc., I sought out and spoke with experienced attorneys to determine if I would
18 retain them to handle my case. I spent significant time communicating with them about the facts
19 of this case and the law, including the duties and responsibilities involved with serving as a class
20 representative. In the end, I decided to vindicate not only my own rights, but also those of others
21 affected by Data Breach, by serving as a class representative in this class action lawsuit. Since
22 agreeing to serve as a class representative, I have diligently and faithfully fulfilled my obligations,
23 placed Class Member's interests before my own, and made efforts to achieve the incredible relief
24 obtained for the Class.

25 5. I have participated in this litigation from the filing of the Consolidated and
26 Amended complaint through settlement discussions and preliminary approval. I have been in
27 regular contact with my attorneys during the course of this matter to stay abreast of the status of
28 the litigation and my obligations as a named plaintiff.

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
OAKLAND, CA 94607
TEL: (510) 891-9800

1 6. I reviewed, provided comments and approved for filing the Consolidated and
2 Amended Complaint.

3 7. I assisted in in providing factual information needed for offensive discovery, as
4 well as in response to interrogatories and requests for production of documents served on me by
5 Defendant. This included gathering evidence and collecting documents from my records, my
6 computer and other sources for production.

7 8. I also kept in communication with my attorneys throughout the mediation and
8 negotiation process, had communications with my counsel with respect to the terms of settlement,
9 provided my approval to the terms of the settlement, and reviewed and approved the Settlement
10 Agreement and the Motion for Preliminary Approval of the Settlement.

11 9. I estimate that I have spent approximately 5-10 hours of my time on this litigation
12 to date. Among other things, I have spent time researching the facts of this case and my rights as
13 a class member; speaking with Class Counsel and other attorneys representing the Class; searching
14 for documents relevant to the matter; reviewing pleadings and other filings in the action; reviewing
15 and approving the Settlement Agreement; and reviewing and having further communications with
16 my attorneys regarding the Motion for Preliminary Approval. In addition, I anticipate continuing
17 to stay involved in this litigation throughout the final approval process and any potential appeals.
18 Like all Participating Settlement Class Members, I am submitting a claim for the exceptional
19 benefits offered through this Settlement.

20 10. I am familiar with the efforts involved in prosecuting this action and worked closely
21 with my attorneys in prosecuting the action and evaluating the settlement. Throughout this
22 litigation, I made myself available to discuss developments in the case as part of my duty as a class
23 representative, and to provide any and all information necessary for the prosecution of this case.
24 In all, I have devoted significant time and attention to this matter.

25 11. I have fairly represented the absent Class members and herein request that the Court
26 approve this Settlement. I have maintained the best interests of the class while performing my class
27 representative duties.
28

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
OAKLAND, CA 94607
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12. In addition to the time I spent participating in the prosecution of this case, I took a risk by coming forward and filing this class action. As a result of my stepping forward and lending my name and efforts to this litigation, other class members affected by the Nonstop Administration and Insurance Services, Inc., Data Breach will receive the benefits of the settlement to compensate them for the injuries directly and proximately caused by Defendant's failure to implement or maintain adequate data security measures for private information.

13. Based on the foregoing, I respectfully request that this Court award me a service award of \$2,500.00.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this ___ day of December 2024.



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Amira Martz

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
OAKLAND, CA 94607
TEL: (510) 891-9800

Scott Edward Cole, Esq. (S.B. #160744)
Laura Grace Van Note, Esq. (S.B. #310160)
COLE & VAN NOTE
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Plaintiffs' Interim Co-Lead Class Counsel

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JOHN PRUTSMAN, AMIRA MARTZ,
SIMCHA RINGEL, NAIOMI MARDEN,
ALANA BALAGOT, CORRINE
WARREN, SUNNY LAI, and DAVID
KLEIN, individually, and on behalf of all
others similarly situated,

Plaintiffs.

v.

NONSTOP ADMINISTRATION AND
INSURANCE SERVICES, INC.,

Defendant.

This Document Related To: All Actions

Case No. 3:23-cv-01131-RFL

CLASS ACTION

**DECLARATION OF SIMCHA RINGEL IN
SUPPORT OF MOTION FOR AWARD OF
ATTORNEYS' FEES AND COSTS, AND
SERVICE AWARDS**

Date: March 18, 2025

Time: 1:30 P.M.

Ctrm.: 15 – 18th Floor

Judge: Hon. Rita F. Lin

I, Simcha Ringel, declare as follows:

1. I am a named plaintiff and have been appointed as a Class Representative in the above-captioned litigation. I submit this declaration in support of Plaintiffs' Unopposed Motion for Approval of Attorneys' Fees Award, Expense Reimbursement, and Service Awards to

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
OAKLAND, CA 94607
TEL: (510) 891-9800

1 Representative Plaintiffs. The following facts are based upon my personal knowledge and, if called
2 upon to do so, I could and would competently testify thereto.

3 2. On or about February 22, 2023, I was notified that the Private Information I had
4 provided to Defendant may have been improperly exposed to unauthorized third parties, including
5 potentially my name, date of birth, gender, physical and email addresses, telephone number, Social
6 Security number, medical treatment/diagnosis information, health insurance provider, and claims
7 and billing information. As a result of receiving the data breach notification letter, I have spent
8 time dealing with the consequences of the breach and taking action to mitigate the impact of the
9 breach, including monitoring my financial and medical accounts. I believe I have been placed at
10 an imminent and continuing risk of harm through the theft of my personally identifying and
11 sensitive medical information as a result of the Data Breach.

12 3. I have suffered lost time, annoyance, interference, and inconvenience as a result of
13 the Data Breach and have serious concerns for the loss of my privacy. I have suffered injury arising
14 from the substantially increased risk of fraud, identity theft, and misuse resulting from my Private
15 Information being placed in the hands of criminals.

16 4. After I received a data breach notification letter from Nonstop Administration and
17 Insurance Services, Inc., I sought out and spoke with experienced attorneys to determine if I would
18 retain them to handle my case. I spent significant time communicating with them about the facts
19 of this case and the law, including the duties and responsibilities involved with serving as a class
20 representative. In the end, I decided to vindicate not only my own rights, but also those of others
21 affected by Data Breach, by serving as a class representative in this class action lawsuit. Since
22 agreeing to serve as a class representative, I have diligently and faithfully fulfilled my obligations,
23 placed Class Member's interests before my own, and made efforts to achieve the incredible relief
24 obtained for the Class.

25 5. I have participated in this litigation from the filing of the Consolidated and
26 Amended complaint through settlement discussions and preliminary approval. I have been in
27 regular contact with my attorneys during the course of this matter to stay abreast of the status of
28 the litigation and my obligations as a named plaintiff.

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
OAKLAND, CA 94607
TEL: (510) 891-9800

1 6. I reviewed, provided comments and approved for filing the Consolidated and
2 Amended Complaint.

3 7. I assisted in in providing factual information needed for offensive discovery, as
4 well as in response to interrogatories and requests for production of documents served on me by
5 Defendant. This included gathering evidence and collecting documents from my records, my
6 computer and other sources for production.

7 8. I also kept in communication with my attorneys throughout the mediation and
8 negotiation process, had communications with my counsel with respect to the terms of settlement,
9 provided my approval to the terms of the settlement, and reviewed and approved the Settlement
10 Agreement and the Motion for Preliminary Approval of the Settlement.

11 9. I estimate that I have spent approximately 5-10 hours of my time on this litigation
12 to date. Among other things, I have spent time researching the facts of this case and my rights as
13 a class member; speaking with Class Counsel and other attorneys representing the Class; searching
14 for documents relevant to the matter; reviewing pleadings and other filings in the action; reviewing
15 and approving the Settlement Agreement; and reviewing and having further communications with
16 my attorneys regarding the Motion for Preliminary Approval. In addition, I anticipate continuing
17 to stay involved in this litigation throughout the final approval process and any potential appeals.
18 Like all Participating Settlement Class Members, I am submitting a claim for the exceptional
19 benefits offered through this Settlement.

20 10. I am familiar with the efforts involved in prosecuting this action and worked closely
21 with my attorneys in prosecuting the action and evaluating the settlement. Throughout this
22 litigation, I made myself available to discuss developments in the case as part of my duty as a class
23 representative, and to provide any and all information necessary for the prosecution of this case.
24 In all, I have devoted significant time and attention to this matter.

25 11. I have fairly represented the absent Class members and herein request that the Court
26 approve this Settlement. I have maintained the best interests of the class while performing my class
27 representative duties.
28

1 12. In addition to the time I spent participating in the prosecution of this case, I took a
 2 risk by coming forward and filing this class action. As a result of my stepping forward and lending
 3 my name and efforts to this litigation, other class members affected by the Nonstop Administration
 4 and Insurance Services, Inc., Data Breach will receive the benefits of the settlement to compensate
 5 them for the injuries directly and proximately caused by Defendant's failure to implement or
 6 maintain adequate data security measures for private information.

7 13. Based on the foregoing, I respectfully request that this Court award me a service
 8 award of \$2,500.00.

9 I declare under penalty of perjury under the laws of the United States of America that the
 10 foregoing is true and correct.

11 Executed this 23 day of December 2024.

12
 13 *Simcha Ringel*

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14 Simcha Ringel
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COLE & VAN NOTE
 ATTORNEYS AT LAW
 555 12TH STREET, SUITE 2100
 OAKLAND, CA 94607
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1 Scott Edward Cole, Esq. (S.B. #160744)
Laura Grace Van Note, Esq. (S.B. #310160)
2 **COLE & VAN NOTE**
555 12th Street, Suite 2100
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Telephone: (510) 891-9800
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6 Gary M. Klinger, Esq. (*pro hac vice*)
MILBERG COLEMAN BRYSON
7 **PHILLIPS GROSSMAN, PLLC**
227 W. Monroe Street, Suite 2100
8 Chicago, Illinois 60606
Telephone: (866) 252-0878
9 Email: gklinger@milberg.com

10 *Plaintiffs' Interim Co-Lead Class Counsel*

11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA**

13 JOHN PRUTSMAN, AMIRA MARTZ,
SIMCHA RINGEL, NAIOMI MARDEN,
14 ALANA BALAGOT, CORRINE
WARREN, SUNNY LAI, and DAVID
15 KLEIN, individually, and on behalf of all
others similarly situated,

16
17 Plaintiffs.

18 v.

19 NONSTOP ADMINISTRATION AND
INSURANCE SERVICES, INC.,

20
21 Defendant.

22 This Document Related To: All Actions
23

Case No. 3:23-cv-01131-RFL

CLASS ACTION

**DECLARATION OF PLAINTIFF NAIOMI
MARDEN IN SUPPORT OF MOTION FOR
AWARD OF ATTORNEYS' FEES AND
COSTS, AND SERVICE AWARDS**

Date: March 18, 2025

Time: 1:30 P.M.

Ctrm.: 15 – 18th Floor

Judge: Hon. Rita F. Lin

24 I, Naomi Marden, declare as follows:

25 1. I am a named plaintiff and have been appointed as a Class Representative in the
26 above-captioned litigation. I submit this declaration in support of Plaintiffs' Unopposed Motion
27 for Approval of Attorneys' Fees Award, Expense Reimbursement, and Service Awards to
28

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
OAKLAND, CA 94607
TEL: (510) 891-9800

1 Representative Plaintiffs. The following facts are based upon my personal knowledge and, if called
2 upon to do so, I could and would competently testify thereto.

3 2. On or about February 22, 2023, I was notified that the Private Information I had
4 provided to Defendant may have been improperly exposed to unauthorized third parties, including
5 potentially my name, date of birth, gender, physical and email addresses, telephone number, Social
6 Security number, medical treatment/diagnosis information, health insurance provider, and claims
7 and billing information. As a result of receiving the data breach notification letter, I have spent
8 time dealing with the consequences of the breach and taking action to mitigate the impact of the
9 breach, including monitoring my financial and medical accounts. I believe I have been placed at
10 an imminent and continuing risk of harm through the theft of my personally identifying and
11 sensitive medical information as a result of the Data Breach.

12 3. I have suffered lost time, annoyance, interference, and inconvenience as a result of
13 the Data Breach and have serious concerns for the loss of my privacy. I have suffered injury arising
14 from the substantially increased risk of fraud, identity theft, and misuse resulting from my Private
15 Information being placed in the hands of criminals.

16 4. After I received a data breach notification letter from Nonstop Administration and
17 Insurance Services, Inc., I sought out and spoke with experienced attorneys to determine if I would
18 retain them to handle my case. I spent significant time communicating with them about the facts
19 of this case and the law, including the duties and responsibilities involved with serving as a class
20 representative. In the end, I decided to vindicate not only my own rights, but also those of others
21 affected by Data Breach, by serving as a class representative in this class action lawsuit. Since
22 agreeing to serve as a class representative, I have diligently and faithfully fulfilled my obligations,
23 placed Class Member's interests before my own, and made efforts to achieve the incredible relief
24 obtained for the Class.

25 5. I have participated in this litigation from the filing of the Consolidated and
26 Amended complaint through settlement discussions and preliminary approval. I have been in
27 regular contact with my attorneys during the course of this matter to stay abreast of the status of
28 the litigation and my obligations as a named plaintiff.

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
OAKLAND, CA 94607
TEL: (510) 891-9800

1 6. I reviewed, provided comments and approved for filing the Consolidated and
2 Amended Complaint.

3 7. I assisted in in providing factual information needed for offensive discovery, as
4 well as in response to interrogatories and requests for production of documents served on me by
5 Defendant. This included gathering evidence and collecting documents from my records, my
6 computer and other sources for production.

7 8. I also kept in communication with my attorneys throughout the mediation and
8 negotiation process, had communications with my counsel with respect to the terms of settlement,
9 provided my approval to the terms of the settlement, and reviewed and approved the Settlement
10 Agreement and the Motion for Preliminary Approval of the Settlement.

11 9. I estimate that I have spent approximately 5-10 hours of my time on this litigation
12 to date. Among other things, I have spent time researching the facts of this case and my rights as
13 a class member; speaking with Class Counsel and other attorneys representing the Class; searching
14 for documents relevant to the matter; reviewing pleadings and other filings in the action; reviewing
15 and approving the Settlement Agreement; and reviewing and having further communications with
16 my attorneys regarding the Motion for Preliminary Approval. In addition, I anticipate continuing
17 to stay involved in this litigation throughout the final approval process and any potential appeals.
18 Like all Participating Settlement Class Members, I am submitting a claim for the exceptional
19 benefits offered through this Settlement.

20 10. I am familiar with the efforts involved in prosecuting this action and worked closely
21 with my attorneys in prosecuting the action and evaluating the settlement. Throughout this
22 litigation, I made myself available to discuss developments in the case as part of my duty as a class
23 representative, and to provide any and all information necessary for the prosecution of this case.
24 In all, I have devoted significant time and attention to this matter.

25 11. I have fairly represented the absent Class members and herein request that the Court
26 approve this Settlement. I have maintained the best interests of the class while performing my class
27 representative duties.
28

1 12. In addition to the time I spent participating in the prosecution of this case, I took a
2 risk by coming forward and filing this class action. As a result of my stepping forward and lending
3 my name and efforts to this litigation, other class members affected by the Nonstop Administration
4 and Insurance Services, Inc., Data Breach will receive the benefits of the settlement to compensate
5 them for the injuries directly and proximately caused by Defendant's failure to implement or
6 maintain adequate data security measures for private information.

7 13. Based on the foregoing, I respectfully request that this Court award me a service
8 award of \$2,500.00.

9 I declare under penalty of perjury under the laws of the United States of America that the
10 foregoing is true and correct.

11 Executed this 23 day of December 2024.

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14 Naomi Marden
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COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
OAKLAND, CA 94607
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1 Scott Edward Cole, Esq. (S.B. #160744)
Laura Grace Van Note, Esq. (S.B. #310160)

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555 12th Street, Suite 2100
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5 Email: lvn@colevannote.com

6 Gary M. Klinger, Esq. (*pro hac vice*)
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7 **PHILLIPS GROSSMAN, PLLC**
227 W. Monroe Street, Suite 2100
8 Chicago, Illinois 60606
Telephone: (866) 252-0878
9 Email: gklinger@milberg.com

10 *Interim Co-Lead Class Counsel*

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13
14 JOHN PRUTSMAN, AMIRA MARTZ,
SIMCHA RINGEL, NAIOMI MARDEN,
15 ALANA BALAGOT, CORINE WARREN,
SUNNY LAI, and DAVID KLEIN,
16 individually, and on behalf of all others
similarly situated,

17
18 Plaintiffs.

19 v.

20 NONSTOP ADMINISTRATION AND
INSURANCE SERVICES, INC.,

21
22 Defendant.

23 This Document Related To: All Actions.
24
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28

Case No. 3:23-cv-01131-RFL

CLASS ACTION

**DECLARATION OF PLAINTIFF CORINE
WARREN IN SUPPORT OF MOTION
FOR AWARD OF ATTORNEYS' FEES
AND COSTS, AND SERVICE AWARDS**

Date: March 18, 2025

Time: 1:30 P.M.

Ctrm.: 15 – 18th Floor

Judge: Hon. Rita F. Lin

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
OAKLAND, CA 94607
TEL: (510) 891-9800

1 I, Corine Warren, declare as follows:

2 1. I am a named plaintiff and have been appointed as a Class Representative in the
3 above-captioned litigation. I submit this declaration in support of Plaintiffs' Unopposed Motion
4 for Approval of Attorneys' Fees Award, Expense Reimbursement, and Service Awards to
5 Representative Plaintiffs. The following facts are based upon my personal knowledge and, if called
6 upon to do so, I could and would competently testify thereto.

7 2. On or about February 22, 2023, I was notified that the Private Information I had
8 provided to Defendant may have been improperly exposed to unauthorized third parties, including
9 potentially my name, date of birth, gender, physical and email addresses, telephone number, Social
10 Security number, medical treatment/diagnosis information, health insurance provider, and claims
11 and billing information. As a result of receiving the data breach notification letter, I have spent
12 time dealing with the consequences of the breach and taking action to mitigate the impact of the
13 breach, including monitoring my financial and medical accounts. I believe I have been placed at
14 an imminent and continuing risk of harm through the theft of my personally identifying and
15 sensitive medical information as a result of the Data Breach.

16 3. I have suffered lost time, annoyance, interference, and inconvenience as a result of
17 the Data Breach and have serious concerns for the loss of my privacy. I have suffered injury arising
18 from the substantially increased risk of fraud, identity theft, and misuse resulting from my Private
19 Information being placed in the hands of criminals.

20 4. After I received a data breach notification letter from Nonstop Administration and
21 Insurance Services, Inc., I sought out and spoke with experienced attorneys to determine if I would
22 retain them to handle my case. I spent significant time communicating with them about the facts
23 of this case and the law, including the duties and responsibilities involved with serving as a class
24 representative. In the end, I decided to vindicate not only my own rights, but also those of others
25 affected by Data Breach, by serving as a class representative in this class action lawsuit. Since
26 agreeing to serve as a class representative, I have diligently and faithfully fulfilled my obligations,
27 placed Class Member's interests before my own, and made efforts to achieve the incredible relief
28 obtained for the Class.

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
OAKLAND, CA 94607
TEL: (510) 891-9800

1 5. I have participated in this litigation from the filing of my original complaint through
2 settlement discussions and preliminary approval. I have been in regular contact with my attorneys
3 during the course of this matter to stay abreast of the status of the litigation and my obligations as
4 a named plaintiff.

5 6. I reviewed, provided comments and approved for filing both the initial Complaint
6 as well as the subsequent Consolidated Amended Complaint.

7 7. I assisted in in providing factual information needed for offensive discovery, as
8 well as in response to interrogatories and requests for production of documents served on me by
9 Defendant. This included gathering evidence and collecting documents from my records, my
10 computer and other sources for production.

11 8. I also kept in communication with my attorneys throughout the mediation and
12 negotiation process, had communications with my counsel with respect to the terms of settlement,
13 provided my approval to the terms of the settlement, and reviewed and approved the Settlement
14 Agreement and the Motion for Preliminary Approval of the Settlement.

15 9. I estimate I have spent approximately 10-25 hours of my time on this litigation to
16 date. Among other things, I have spent time researching the facts of this case and my rights as a
17 class member; speaking with Class Counsel and other attorneys representing the Class; searching
18 for documents relevant to the matter; reviewing pleadings and other filings in the action; reviewing
19 and approving the Settlement Agreement; and reviewing and having further communications with
20 my attorneys regarding the Motion for Preliminary Approval. In addition, I anticipate continuing
21 to stay involved in this litigation throughout the final approval process and any potential appeals.
22 Like all Participating Settlement Class Members, I am submitting a claim for the exceptional
23 benefits offered through this Settlement.

24 10. I am familiar with the efforts involved in prosecuting this action and worked closely
25 with my attorneys in prosecuting the action and evaluating the settlement. Throughout this
26 litigation, I made myself available to discuss developments in the case as part of my duty as a class
27 representative, and to provide any and all information necessary for the prosecution of this case.
28 In all, I have devoted significant time and attention to this matter.

COLE & VAN NOTE
ATTORNEYS AT LAW
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11. I have fairly represented the absent Class members and herein request that the Court approve this Settlement. I have maintained the best interests of the class while performing my class representative duties.

12. In addition to the time I spent participating in the prosecution of this case, I took a risk by coming forward and filing this class action. As a result of my stepping forward and lending my name and efforts to this litigation, other class members affected by the Nonstop Administration and Insurance Services, Inc., Data Breach will receive the benefits of the settlement to compensate them for the injuries directly and proximately caused by Defendant's failure to implement or maintain adequate data security measures for private information.

13. Based on the foregoing, I respectfully request that this Court award me a service award of \$2,500.00.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 26 day of December 2024.


Corine Warren

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
OAKLAND, CA 94607
TEL: (510) 891-9800

1 Scott Edward Cole, Esq. (S.B. #160744)
Laura Grace Van Note, Esq. (S.B. #310160)

2 **COLE & VAN NOTE**
555 12th Street, Suite 2100
3 Oakland, California 94607
Telephone: (510) 891-9800
4 Facsimile: (510) 891-7030
Email: sec@colevannote.com
5 Email: lvn@colevannote.com

6 Gary M. Klinger, Esq. (*pro hac vice*)
MILBERG COLEMAN BRYSON
7 **PHILLIPS GROSSMAN, PLLC**
227 W. Monroe Street, Suite 2100
8 Chicago, Illinois 60606
Telephone: (866) 252-0878
9 Email: gklinger@milberg.com

10 *Plaintiffs' Interim Co-Lead Class Counsel*

11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA**

13 JOHN PRUTSMAN, AMIRA MARTZ,
SIMCHA RINGEL, NAIOMI MARDEN,
14 ALANA BALAGOT, CORRINE
WARREN, SUNNY LAI, and DAVID
15 KLEIN, individually, and on behalf of all
others similarly situated,

16
17 Plaintiffs.

18 v.

19 NONSTOP ADMINISTRATION AND
INSURANCE SERVICES, INC.,

20
21 Defendant.

22 This Document Related To: All Actions
23

Case No. 3:23-cv-01131-RFL

CLASS ACTION

**DECLARATION OF PLAINTIFF ALANA
BALAGOT IN SUPPORT OF MOTION FOR
AWARD OF ATTORNEYS' FEES AND
COSTS, AND SERVICE AWARDS**

Date: March 18, 2025

Time: 1:30 P.M.

Ctrm.: 15 – 18th Floor

Judge: Hon. Rita F. Lin

24 I, Alana Balagot, declare as follows:

25 1. I am a named plaintiff and have been appointed as a Class Representative in the
26 above-captioned litigation. I submit this declaration in support of Plaintiffs' Unopposed Motion
27 for Approval of Attorneys' Fees Award, Expense Reimbursement, and Service Awards to
28

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
OAKLAND, CA 94607
TEL: (510) 891-9800

1 Representative Plaintiffs. The following facts are based upon my personal knowledge and, if called
2 upon to do so, I could and would competently testify thereto.

3 2. On or about February 22, 2023, I was notified that the Private Information I had
4 provided to Defendant may have been improperly exposed to unauthorized third parties, including
5 potentially my name, date of birth, gender, physical and email addresses, telephone number, Social
6 Security number, medical treatment/diagnosis information, health insurance provider, and claims
7 and billing information. As a result of receiving the data breach notification letter, I have spent
8 time dealing with the consequences of the breach and taking action to mitigate the impact of the
9 breach, including monitoring my financial and medical accounts. I believe I have been placed at
10 an imminent and continuing risk of harm through the theft of my personally identifying and
11 sensitive medical information as a result of the Data Breach.

12 3. I have suffered lost time, annoyance, interference, and inconvenience as a result of
13 the Data Breach and have serious concerns for the loss of my privacy. I have suffered injury arising
14 from the substantially increased risk of fraud, identity theft, and misuse resulting from my Private
15 Information being placed in the hands of criminals.

16 4. After I received a data breach notification letter from Nonstop Administration and
17 Insurance Services, Inc., I sought out and spoke with experienced attorneys to determine if I would
18 retain them to handle my case. I spent significant time communicating with them about the facts
19 of this case and the law, including the duties and responsibilities involved with serving as a class
20 representative. In the end, I decided to vindicate not only my own rights, but also those of others
21 affected by Data Breach, by serving as a class representative in this class action lawsuit. Since
22 agreeing to serve as a class representative, I have diligently and faithfully fulfilled my obligations,
23 placed Class Member's interests before my own, and made efforts to achieve the incredible relief
24 obtained for the Class.

25 5. I have participated in this litigation from the filing of the Consolidated and
26 Amended complaint through settlement discussions and preliminary approval. I have been in
27 regular contact with my attorneys during the course of this matter to stay abreast of the status of
28 the litigation and my obligations as a named plaintiff.

COLE & VAN NOTE
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1 6. I reviewed, provided comments and approved for filing the Consolidated and
2 Amended Complaint.

3 7. I assisted in in providing factual information needed for offensive discovery, as
4 well as in response to interrogatories and requests for production of documents served on me by
5 Defendant. This included gathering evidence and collecting documents from my records, my
6 computer and other sources for production.

7 8. I also kept in communication with my attorneys throughout the mediation and
8 negotiation process, had communications with my counsel with respect to the terms of settlement,
9 provided my approval to the terms of the settlement, and reviewed and approved the Settlement
10 Agreement and the Motion for Preliminary Approval of the Settlement.

11 9. I estimate that I have spent approximately 5-10 hours of my time on this litigation
12 to date. Among other things, I have spent time researching the facts of this case and my rights as
13 a class member; speaking with Class Counsel and other attorneys representing the Class; searching
14 for documents relevant to the matter; reviewing pleadings and other filings in the action; reviewing
15 and approving the Settlement Agreement; and reviewing and having further communications with
16 my attorneys regarding the Motion for Preliminary Approval. In addition, I anticipate continuing
17 to stay involved in this litigation throughout the final approval process and any potential appeals.
18 Like all Participating Settlement Class Members, I am submitting a claim for the exceptional
19 benefits offered through this Settlement.

20 10. I am familiar with the efforts involved in prosecuting this action and worked closely
21 with my attorneys in prosecuting the action and evaluating the settlement. Throughout this
22 litigation, I made myself available to discuss developments in the case as part of my duty as a class
23 representative, and to provide any and all information necessary for the prosecution of this case.
24 In all, I have devoted significant time and attention to this matter.

25 11. I have fairly represented the absent Class members and herein request that the Court
26 approve this Settlement. I have maintained the best interests of the class while performing my class
27 representative duties.
28

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12. In addition to the time I spent participating in the prosecution of this case, I took a risk by coming forward and filing this class action. As a result of my stepping forward and lending my name and efforts to this litigation, other class members affected by the Nonstop Administration and Insurance Services, Inc., Data Breach will receive the benefits of the settlement to compensate them for the injuries directly and proximately caused by Defendant's failure to implement or maintain adequate data security measures for private information.

13. Based on the foregoing, I respectfully request that this Court award me a service award of \$2,500.00.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 24 day of December 2024.

Alana Balagot

ID aXoMSjNdJ2NwTK3eSszr4iH1

Alana Balagot

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
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10 *Plaintiffs' Interim Co-Lead Class Counsel*

11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA**

13 JOHN PRUTSMAN, AMIRA MARTZ,
SIMCHA RINGEL, NAIOMI MARDEN,
14 ALANA BALAGOT, CORRINE
WARREN, SUNNY LAI, and DAVID
15 KLEIN, individually, and on behalf of all
others similarly situated,

16
17 Plaintiffs.

18 v.

19 NONSTOP ADMINISTRATION AND
INSURANCE SERVICES, INC.,
20

21 Defendant.

22 This Document Related To: All Actions
23

Case No. 3:23-cv-01131-RFL

CLASS ACTION

**DECLARATION OF PLAINTIFF SUNNY
LAI IN SUPPORT OF MOTION FOR
AWARD OF ATTORNEYS' FEES AND
COSTS, AND SERVICE AWARDS**

Date: March 18, 2025

Time: 1:30 P.M.

Ctrm.: 15 – 18th Floor

Judge: Hon. Rita F. Lin

24 I, Sunny Lai, declare as follows:

25 1. I am a named plaintiff and have been appointed as a Class Representative in the
26 above-captioned litigation. I submit this declaration in support of Plaintiffs' Unopposed Motion
27 for Approval of Attorneys' Fees Award, Expense Reimbursement, and Service Awards to
28

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
OAKLAND, CA 94607
TEL: (510) 891-9800

1 Representative Plaintiffs. The following facts are based upon my personal knowledge and, if called
2 upon to do so, I could and would competently testify thereto.

3 2. On or about February 22, 2023, I was notified that the Private Information I had
4 provided to Defendant may have been improperly exposed to unauthorized third parties, including
5 potentially my name, date of birth, gender, physical and email addresses, telephone number, Social
6 Security number, medical treatment/diagnosis information, health insurance provider, and claims
7 and billing information. As a result of receiving the data breach notification letter, I have spent
8 time dealing with the consequences of the breach and taking action to mitigate the impact of the
9 breach, including monitoring my financial and medical accounts. I believe I have been placed at
10 an imminent and continuing risk of harm through the theft of my personally identifying and
11 sensitive medical information as a result of the Data Breach.

12 3. I have suffered lost time, annoyance, interference, and inconvenience as a result of
13 the Data Breach and have serious concerns for the loss of my privacy. I have suffered injury arising
14 from the substantially increased risk of fraud, identity theft, and misuse resulting from my Private
15 Information being placed in the hands of criminals.

16 4. After I received a data breach notification letter from Nonstop Administration and
17 Insurance Services, Inc., I sought out and spoke with experienced attorneys to determine if I would
18 retain them to handle my case. I spent significant time communicating with them about the facts
19 of this case and the law, including the duties and responsibilities involved with serving as a class
20 representative. In the end, I decided to vindicate not only my own rights, but also those of others
21 affected by Data Breach, by serving as a class representative in this class action lawsuit. Since
22 agreeing to serve as a class representative, I have diligently and faithfully fulfilled my obligations,
23 placed Class Member's interests before my own, and made efforts to achieve the incredible relief
24 obtained for the Class.

25 5. I have participated in this litigation from the filing of my original complaint through
26 settlement discussions and preliminary approval. I have been in regular contact with my attorneys
27 during the course of this matter to stay abreast of the status of the litigation and my obligations as
28 a named plaintiff.

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
OAKLAND, CA 94607
TEL: (510) 891-9800

1 6. I reviewed, provided comments and approved for filing both the initial Complaint
2 as well as the subsequent Consolidated and Amended Complaint.

3 7. I assisted in in providing factual information needed for offensive discovery, as
4 well as in response to interrogatories and requests for production of documents served on me by
5 Defendant. This included gathering evidence and collecting documents from my records, my
6 computer and other sources for production.

7 8. I also kept in communication with my attorneys throughout the mediation and
8 negotiation process, had communications with my counsel with respect to the terms of settlement,
9 provided my approval to the terms of the settlement, and reviewed and approved the Settlement
10 Agreement and the Motion for Preliminary Approval of the Settlement.

11 9. I estimate that I have spent approximately 15 hours of my time on this litigation to
12 date. Among other things, I have spent time researching the facts of this case and my rights as a
13 class member; speaking with Class Counsel and other attorneys representing the Class; searching
14 for documents relevant to the matter; reviewing pleadings and other filings in the action; reviewing
15 and approving the Settlement Agreement; and reviewing and having further communications with
16 my attorneys regarding the Motion for Preliminary Approval. In addition, I anticipate continuing
17 to stay involved in this litigation throughout the final approval process and any potential appeals.
18 Like all Participating Settlement Class Members, I am submitting a claim for the exceptional
19 benefits offered through this Settlement.

20 10. I am familiar with the efforts involved in prosecuting this action and worked closely
21 with my attorneys in prosecuting the action and evaluating the settlement. Throughout this
22 litigation, I made myself available to discuss developments in the case as part of my duty as a class
23 representative, and to provide any and all information necessary for the prosecution of this case.
24 In all, I have devoted significant time and attention to this matter.

25 11. I have fairly represented the absent Class members and herein request that the Court
26 approve this Settlement. I have maintained the best interests of the class while performing my class
27 representative duties.
28

1 12. In addition to the time I spent participating in the prosecution of this case, I took a
 2 risk by coming forward and filing this class action. As a result of my stepping forward and lending
 3 my name and efforts to this litigation, other class members affected by the Nonstop Administration
 4 and Insurance Services, Inc., Data Breach will receive the benefits of the settlement to compensate
 5 them for the injuries directly and proximately caused by Defendant's failure to implement or
 6 maintain adequate data security measures for private information.

7 13. Based on the foregoing, I respectfully request that this Court award me a service
 8 award of \$2,500.00.

9 I declare under penalty of perjury under the laws of the United States of America that the
 10 foregoing is true and correct.

11 Executed this 24 day of December 2024.

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 13 *sunnylai*

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14 Sunny Lai
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COLE & VAN NOTE
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 555 12TH STREET, SUITE 2100
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Laura Grace Van Note, Esq. (S.B. #310160)

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8 Chicago, Illinois 60606

Telephone: (866) 252-0878

9 Email: gklinger@milberg.com

10 *Interim Co-Lead Class Counsel*

11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA**

13
14 JOHN PRUTSMAN, AMIRA MARTZ,
SIMCHA RINGEL, NAIOMI MARDEN,
15 ALANA BALAGOT, CORRINE WARREN,
SUNNY LAI, and DAVID KLEIN,
16 individually, and on behalf of all others
similarly situated,

17
18 Plaintiffs.

19 v.

20 NONSTOP ADMINISTRATION AND
INSURANCE SERVICES, INC.,

21
22 Defendant.

23 This Document Related To: All Actions.
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Case No. 3:23-cv-01131-RFL

CLASS ACTION

**DECLARATION OF PLAINTIFF DAVID
KLEIN IN SUPPORT OF MOTION FOR
AWARD OF ATTORNEYS' FEES AND
COSTS, AND SERVICE AWARDS**

Date: March 18, 2025

Time: 1:30 P.M.

Ctrm.: 15 – 18th Floor

Judge: Hon. Rita F. Lin

COLE & VAN NOTE
ATTORNEYS AT LAW
555 12TH STREET, SUITE 2100
OAKLAND, CA 94607
TEL: (510) 891-9800

1 I, David Klein, declare as follows:

2 1. I am a named plaintiff and have been appointed as a Class Representative in the
3 above-captioned litigation. I submit this declaration in support of Plaintiffs' Unopposed Motion
4 for Approval of Attorneys' Fees Award, Expense Reimbursement, and Service Awards to
5 Representative Plaintiffs. The following facts are based upon my personal knowledge and, if called
6 upon to do so, I could and would competently testify thereto.

7 2. On or about February 22, 2023, I was notified that the Private Information I had
8 provided to Defendant may have been improperly exposed to unauthorized third parties, including
9 potentially my name, date of birth, gender, physical and email addresses, telephone number, Social
10 Security number, medical treatment/diagnosis information, health insurance provider, and claims
11 and billing information. As a result of receiving the data breach notification letter, I have spent
12 time dealing with the consequences of the breach and taking action to mitigate the impact of the
13 breach, including monitoring my financial and medical accounts. I believe I have been placed at
14 an imminent and continuing risk of harm through the theft of my personally identifying and
15 sensitive medical information as a result of the Data Breach.

16 3. I have suffered lost time, annoyance, interference, and inconvenience as a result of
17 the Data Breach and have serious concerns for the loss of my privacy. I have suffered injury arising
18 from the substantially increased risk of fraud, identity theft, and misuse resulting from my Private
19 Information being placed in the hands of criminals.

20 4. After I received a data breach notification letter from Nonstop Administration and
21 Insurance Services, Inc., I sought out and spoke with experienced attorneys to determine if I would
22 retain them to handle my case. I spent significant time communicating with them about the facts
23 of this case and the law, including the duties and responsibilities involved with serving as a class
24 representative. In the end, I decided to vindicate not only my own rights, but also those of others
25 affected by Data Breach, by serving as a class representative in this class action lawsuit. Since
26 agreeing to serve as a class representative, I have diligently and faithfully fulfilled my obligations,
27 placed Class Member's interests before my own, and made efforts to achieve the incredible relief
28 obtained for the Class.

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5. I have participated in this litigation from the filing of my original complaint through settlement discussions and preliminary approval. I have been in regular contact with my attorneys during the course of this matter to stay abreast of the status of the litigation and my obligations as a named plaintiff.

6. I reviewed, provided comments and approved for filing both the initial Complaint as well as the subsequent Consolidated Amended Complaint.

7. I assisted in providing factual information needed for offensive discovery, as well as in response to interrogatories and requests for production of documents served on me by Defendant. This included gathering evidence and collecting documents from my records, my computer and other sources for production.

8. I also kept in communication with my attorneys throughout the mediation and negotiation process, had communications with my counsel with respect to the terms of settlement, provided my approval to the terms of the settlement, and reviewed and approved the Settlement Agreement and the Motion for Preliminary Approval of the Settlement.

9. I estimate I have spent approximately 15 hours of my time on this litigation to date. Among other things, I have spent time researching the facts of this case and my rights as a class member; speaking with Class Counsel and other attorneys representing the Class; searching for documents relevant to the matter; reviewing pleadings and other filings in the action; reviewing and approving the Settlement Agreement; and reviewing and having further communications with my attorneys regarding the Motion for Preliminary Approval. In addition, I anticipate continuing to stay involved in this litigation throughout the final approval process and any potential appeals. Like all Participating Settlement Class Members, I am submitting a claim for the exceptional benefits offered through this Settlement.

10. I am familiar with the efforts involved in prosecuting this action and worked closely with my attorneys in prosecuting the action and evaluating the settlement. Throughout this litigation, I made myself available to discuss developments in the case as part of my duty as a class representative, and to provide any and all information necessary for the prosecution of this case. In all, I have devoted significant time and attention to this matter.

COLE & VAN NOTE
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11. I have fairly represented the absent Class members and herein request that the Court approve this Settlement. I have maintained the best interests of the class while performing my class representative duties.

12. In addition to the time I spent participating in the prosecution of this case, I took a risk by coming forward and filing this class action. As a result of my stepping forward and lending my name and efforts to this litigation, other class members affected by the Nonstop Administration and Insurance Services, Inc., Data Breach will receive the benefits of the settlement to compensate them for the injuries directly and proximately caused by Defendant's failure to implement or maintain adequate data security measures for private information.

13. Based on the foregoing, I respectfully request that this Court award me a service award of \$2,500.00.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 27 day of December 2024.


David Klein (Dec 27, 2024 18:43 GMT+1)
David Klein

Exhibit 4

Case Name: *Prutsman v. Nonstop Admin. and Ins. Servs*
Firm: Cole & Van Note
Billing Period: Inception - 12/23/2024

Staff	All Hours	Hourly Rate	Total Lodestar
Alexis K. Brown	5.5	\$238	\$1,306.25
Alicyn B. Whitley	6.3	\$375	\$2,362.50
Anna Koltunov	10.8	\$250	\$2,700.00
Anya Puchkov	81.6	\$263	\$21,420.00
April K. Stewart	37.1	\$220	\$8,162.00
Clayton M. Allen	12.3	\$238	\$2,927.40
Cody A. Bolce	3.9	\$550	\$2,145.00
Cora Wilson	9.0	\$250	\$2,250.00
Elizabeth R. Klos	36.5	\$363	\$13,231.25
Erika S. Minor	4.1	\$250	\$1,025.00
Felicia N. Felix	0.3	\$250	\$75.00
Hayden J. Phillips	14.6	\$250	\$3,650.00
Irina Artyeva	3.9	\$238	\$928.20
Jasmine M. Coussinat	1.7	\$250	\$425.00
Jennifer P. Yan	0.1	\$250	\$25.00
Laura Van Note	9.7	\$700	\$6,790.00
Margo A. Crawford	34.7	\$325	\$11,277.50
Mark T. Freeman	5.3	\$500	\$2,650.00
Mica J. Sinko	0.9	\$250	\$225.00
Michael Puchkov	1.0	\$185	\$185.00
Molly Munson Cherala	22.3	\$500	\$11,150.00
Monica K. Sjoblom-Tyler	1.1	\$275	\$302.50
Noemi Gonzalez	2.8	\$225	\$630.00
Olander Coleman	0.4	\$185	\$74.00
Pablo Chong Herrera	0.9	\$250	\$225.00
Paige Tehrani	2.0	\$250	\$500.00
Ryan Terry	1.3	\$225	\$292.50
Scott E. Cole	91.2	\$1,100	\$100,320.00

Suneel Jain	21.1	\$500	\$10,550.00
Wil P. Vollbrecht	23.2	\$375	\$8,700.00
Willmar J. Escalante	49.0	\$250	\$12,250.00
Total:	494.6		\$228,754.10

Case Name:	<i>Prutsman v. Nonstop Admin. and Ins. Servs</i>
Firm:	Milberg
Billing Period:	Inception - 12/26/2024

[illegible]

Total:	298.7		\$186,921.00

Case Name:	<i>Prutsman v. Nonstop Admin. and Ins. Servs</i>
Firm:	Arnold Law Firm
Billing Period:	Inception - 12/26/2024

Staff	All Hours	Hourly Rate	Total Lodestar
Anderson Berry	24.0	\$850	\$20,400.00
Gregory Haroutunian	50.0	\$725	\$36,250.00
Brandon P. Jack	7.9	\$550	\$4,345.00
Andrew Snyder	3.4	\$500	\$1,700.00
Bianca Marentes	11.2	\$308	\$3,449.60
Total:	96.5		\$66,144.60

Case Name:	<i>Prutsman v. Nonstop Admin. and Ins. Servs</i>
Firm:	Strauss Borrelli PLLC
Billing Period:	Inception - 12/27/2024

Staff	All Hours	Hourly Rate	Total Lodestar
Samuel Strauss	16.1	\$700	\$11,270.00
Raina Borrelli	8.3	\$700	\$5,810.00
Brittany Resch	0.5	\$475	\$237.50
Brittany Resch	1.9	\$575	\$1,092.50
Carolyn Chen	11.5	\$400	\$4,600.00
Zog Begolli	0.3	\$425	\$127.50
Rudy Requeno	0.5	\$150	\$75.00
Jack Rader	1.0	\$150	\$150.00
Total:	40.1		\$23,362.50

Exhibit 5

Cole & Van Note
Nonstop
As of December 24, 2024

Description		Value
Filing and Serving (vendor and court fees)	\$	2,123.56
Postage	\$	5.26
Copies	\$	750.00
Research Services	\$	103.81
Mediation	\$	4,875.00
TOTAL	\$	7,857.63

Case Name:	<i>Prutsmann v. Nonstop Admin. and Ins. Servs</i>
Firm:	Milberg
Billing Period:	Inception - 12/26/2024

Description	Value
Filing and Serving (vendor and court fees)	\$ 879.00
Postage	\$ -
Copies	\$ -
Research Services	\$ -
Mediation	\$ 4,875.00
TOTAL	\$ 5,754.00

Case Name:	<i>Prutsmann v. Nonstop Admin. and Ins. Servs</i>
Firm:	ARNOLD LAW FIRM
Billing Period:	Inception - 12/26/2024

Description	Value
Filing and Serving (vendor and court fees)	\$ 402.00
Postage	\$ 13.70
Copies	\$ -
Research Services	\$ 149.73
TOTAL	\$ 565.43

Case Name:	<i>Prutsmann v. Nonstop Admin. and Ins. Servs</i>
Firm:	Strauss Borrelli PLLC
Billing Period:	Inception - 12/27/2024

Description	Value
Filing Fees	\$ 634.60
	\$ -
	\$ -
TOTAL	\$ 634.60